



# Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Forty-Second Day

Tuesday Morning

April 20, 2021

The invocation was offered by Chaplain Pam Russell, of the Public Servant's Prayer.

The House convened at 10:00 am. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Zent.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King <input type="checkbox"/>
Austin	Klinker
Aylesworth <input type="checkbox"/>	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield <input type="checkbox"/>
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris <input type="checkbox"/>
Davis	Morrison
Davisson <input type="checkbox"/>	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak <input type="checkbox"/>	O'Brien
Eberhart <input type="checkbox"/>	Olthoff
Ellington	Pack
Engleman	Payne
Errington	Pfaff
Fleming <input type="checkbox"/>	Pierce
Frye	Porter
GiaQuinta	Prescott
Goodrich	Pressel
Gore	Pryor
Gutwein	Rowray <input type="checkbox"/>
Hamilton	Saunders
Harris	Schaibley
Hatcher <input type="checkbox"/>	Shackleford
Hatfield <input type="checkbox"/>	Slager
Heaton	Smaltz
Heine	Smith, V.
Hostettler	Snow
Jackson <input type="checkbox"/>	Soliday
Jacob	Speedy
Jeter <input type="checkbox"/>	Steuerwald
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr  
VanNatter  
Vermilion  
Wesco

J. Young ☐  
Zent  
Ziemke ☐  
Mr. Speaker

Roll Call 463: 85 present; 15 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 32

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representatives V. Smith, Porter, Jackson, Pack, Bartlett, Shackleford, Pryor, Summers, Hatcher and Harris:

A CONCURRENT RESOLUTION memorializing Vernon Jordan.

*Whereas, Civil Rights Activist Vernon Jordan passed away on March 1st, 2021, at the age of 85 years old;*

*Whereas, Vernon Eulion Jordan Jr. was born in Atlanta, Georgia, on August 15, 1935, to loving parents, Vernon and Mary Belle Jordan;*

*Whereas, Jordan grew up with his older brother, Windsor, and his parents in Atlanta, and he was an honors student at David T. Howard High School;*

*Whereas, Jordan attended DePauw University in Greencastle, Indiana, where he was the only African-American student in his class and one of five at the college;*

*Whereas, Jordan was distinguished in many areas including academics, oratory, and athletics, and in 1957, Jordan graduated with a Bachelor's of Science in Political Science and went on to attend Howard University School of Law in Washington, D.C.;*

*Whereas, Upon graduation, Jordan joined the law office of Donald L. Hollowell, where he was involved in the lawsuit against the University of Georgia for racial discrimination in its admission practices;*

*Whereas, Jordan left private law practice shortly after, and in 1961, Jordan became the Georgia field secretary for the National Association for the Advancement of Colored People, and in his two years under this role, Jordan built new chapters, coordinated demonstrations, and boycotted businesses that would not employ African-Americans;*

*Whereas, In 1964, Jordan moved to Arkansas and went into private practice, and then became the director of the Voter Education Project of the Southern Regional Council, and in this role, millions of new African-American registered to vote and hundreds of new African-Americans were elected in the South;*

*Whereas, In 1970, Jordan became the executive director of the United Negro College fund and managed to fill the organization's coffers with \$10 million to help students at historically Black colleges and Universities;*

*Whereas, In 1971, Jordan became the first lawyer to head the Urban League, which had traditionally been held by social workers, and under his leadership, Jordan added 17 more chapters and brought the budget to over 100 million dollars, and broadened the focus of the organization to include voter registration drives and conflict resolution between African-American's and law enforcement;*

*Whereas, In 1980, Jordan was nearly killed by Joseph Paul Franklin, an avowed white supremacist who targeted Black and Jewish people in a cross-country killing spree from 1977 to 1980;*

*Whereas, Jordan's first wife, Shirley, and the mother of his first child, Vickee Jordan Adams, passed away in 1985;*

*Whereas, In 1986, Jordan remarried Ann Dibble Jordan and assumed her four children, Antoinette "Toni", Mercer, Janice, and Jacqueline;*

*Whereas, Due to Jordan's close relationship with former President Bill Clinton, he became an unofficial aide for Bill Clinton during his presidency, and a Washington insider and corporate influencer;*

*Whereas, Beginning in 2000, Jordan was a senior managing director with Lazard Freres & Co. LLC, and was on the board of directors of American Express, J.C. Penney Corporation, Asbury Automotive Group, Dow Jones & Company, Revlon, Sara Lee, Corning, Xerox, and RJR Nabisco;*

*Whereas, Jordan worked for John Kerry's presidential campaign in 2004, and the same year was elected as the president of the Economic Club of Washington D.C.;*

*Whereas, Throughout his life, Jordan was awarded with the Barnard Medal of Distinction in 1983, the Spingarn Medal by the NAACP in 2001, and was a lifetime member of the Council on Foreign Relations, a member of the Bilderberg Group, and a member of Omega Psi Phi and Sigma Pi Phi; and*

*Whereas, Jordan's legacy lives on through his wife, Ann Jordan, his children, and his nine grandchildren: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes Vernon Jordan.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to his wife, Ann Jordan

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### House Resolution 51

Representative Thompson introduced House Resolution 51:

A HOUSE RESOLUTION designating a salute to the Indiana State Flag.

*Whereas, In 1916, Indiana Daughters of the American Revolution commemorated Indiana's centennial anniversary by sponsoring a competition for the design of a state banner;*

*Whereas, The winning design by Paul Hadley, which was a blue field with yellow stars representing each of the first nineteen states, was adopted by the Indiana Supreme Court in 1917, and, in 1955, it was designated as the official state flag;*

*Whereas, In 2016, in order to celebrate Indiana's bicentennial, Indiana Daughters of the American Revolution sponsored the "Salute Indiana!" competition, approved by the*

*State Bicentennial Commission as an Official Legacy Project, seeking the creation of a salute or pledge to the Indiana Flag;*

*Whereas, The "Salute Indiana!" competition, which echoed the 1916 centennial contest held by Indiana Daughters of the American Revolution, was open to all Indiana residents age 13 and older;*

*Whereas, The winning composition was selected from a field of 112 entries by a panel of five judges, who met on October 19, 2016, at the Indianapolis Historical Society;*

*Whereas, The judging panel was composed of Loretta Rush, Chief Justice of the Indiana Supreme Court; Major General Courtney Carr, Adjutant General of the Indiana National Guard; John Herbst, President of the Indiana Historical Society; Jacob Speer, Director of the Indiana State Library; and Bruce Blomberg, Social Studies Specialist of the Indiana Department of Education;*

*Whereas, The "Salute Indiana!" winning composition, by Gretchen Aggertt Weber, reads as follows: "O, blue and gold, with torch of old, / Enlighten our path with hope. / Hoosiers, we look up to thee / And pledge our all to liberty";*

*Whereas, The Indiana flag was publicly greeted with this salute for the first time in a statewide gathering of about 300 Indiana Daughters of the American Revolution on October 29, 2016;*

*Whereas, Since that date, this salute has been designated an official part of Indiana Daughters of the American Revolution proceedings and ceremonies;*

*Whereas, This salute is also used by many other civic and private organizations of Indiana in their official proceedings and ceremonies; and*

*Whereas, Indiana's sons and daughters love their state, symbolized by its flag, and wish to greet this flag with respect and affection: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the aforementioned salute, by Gretchen Aggertt Weber, be designated as the official salute to the state flag of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Jeffrey Thompson for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 52

Representatives Andrade, Harris and Jackson introduced House Resolution 52:

A HOUSE RESOLUTION honoring Patrick O'Rourke's years of service and his retirement.

*Whereas, Mr. Patrick O'Rourke served the community of Hammond, Indiana, through his work as president of the Hammond Teachers' Federation;*

*Whereas, Teachers worked with and relied upon Mr. O'Rourke during his 50 years of service with the Hammond Teachers' Federation in many capacities, including contract negotiations, lobbying, and personal matters;*

*Whereas, Mr. O'Rourke built a strong reputation representing teachers at the State House during legislative sessions of the Indiana General Assembly, and was an active voice in policy discussions concerning teachers in his community;*

*Whereas, Mr. O'Rourke and his staff worked tirelessly on behalf of teachers during contract negotiations and helped represent individuals with personal or professional issues or grievances;*

*Whereas, Under O'Rourke's leadership, the Hammond Teachers' Federation became a strong political voice in Indiana, enhancing the activism of those in Hammond; and*

*Whereas, O'Rourke's commitment to equity and integrity will be remembered fondly by his peers and the many teachers whom he represented: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Patrick O'Rourke for his many years of service to his community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mike Andrade for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 53

Representatives Leonard, Abbott, Carbaugh, GiaQuinta, Heine, Judy, Lehman, Morris, Smaltz and Snow introduced House Resolution 53:

A HOUSE RESOLUTION honoring Jerrilee K. Mosier on the occasion of her retirement.

*Whereas, Jerrilee K. Mosier, chancellor of the Ivy Tech Community College Fort Wayne and Warsaw locations, will retire in September;*

*Whereas, Mosier retires after serving as chancellor for more than a decade, and has served previously in leadership roles at community colleges in Washington, Oklahoma, and Kansas;*

*Whereas, Northeast Indiana has benefited from Mosier's leadership, which brought new degree programs and record certifications and credentials awarded to the area's Ivy Tech campuses;*

*Whereas, Mosier is credited with promoting greater access to quality education through local community learning locations in Adams, DeKalb, Huntington, LaGrange, Noble, Steuben, Wabash, Wells, and Whitley counties;*

*Whereas, Mosier's work with community organizations and area employers has provided a strong network to build up the Hoosier workforce and provide greater opportunity for Ivy Tech graduates; and*

*Whereas, Mosier is a champion for higher education and believes that "community leaders, legislators, and our Ivy Tech faculty and staff ... can move mountains and make access to high-quality education a reality for everyone": Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Jerrilee K. Mosier, chancellor of the Ivy Tech Community College Fort Wayne and Warsaw locations, for her many years of service and contributions to higher education in the state of Indiana.

SECTION 2. That the Indiana House of Representatives congratulates Jerrilee K. Mosier on the occasion of her retirement.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Daniel Leonard for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 54

Representative Jacob introduced House Resolution 54:

A HOUSE RESOLUTION congratulating Ethan Martin.

*Whereas, Center Grove High School senior Ethan Martin won the individual boys swimming state title in the 100-yard freestyle on February 20th, 2021;*

*Whereas, Martin posted a winning time of 44.02 seconds, becoming Center Grove's first individual boys champion since 2005;*

*Whereas, Martin's recent win at the IU Natatorium was the culmination of hard work, determination, and focus that included a jump from 23rd to 2nd in the state in 50-yard freestyle his junior year;*

*Whereas, Martin devoted much of his youth to soccer and originally held only a passing interest in swimming until his sophomore year in high school, when he began to train in earnest;*

*Whereas, Martin graduates with multiple school records in the 50, 100, and 200-yard freestyle and the 200-yard individual medley;*

*Whereas, Martin was named Swimmer of the Year by the Franklin Daily Journal; and*

*Whereas, Martin will go on to compete for the University of South Carolina with a full swimming scholarship upon his graduation: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Ethan Martin on his state championship win in the 100-yard freestyle.

SECTION 2. That the Indiana House of Representatives wishes Ethan Martin continued success in his athletic and academic careers.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative John Jacob for distribution.

The resolution was read a first time and adopted by voice vote.

### House Resolution 55

Representative Gutwein introduced House Resolution 55:

A HOUSE RESOLUTION honoring the Rensselaer Volunteer Fire Department for 125 years of service.

*Whereas, A small group assembled in 1896 to form the Rensselaer Volunteer Fire Company, making it one of the oldest regularly operating volunteer fire departments in Indiana;*

*Whereas, In addition to their incredible hard work, the fire department volunteers still find time to interact with their community through fish fries, pancake breakfasts, and the Burgers for Badges event;*

*Whereas, The Rensselaer Volunteer Fire Department hosts many training opportunities for the public and fellow first responders ranging from water rescue training to posting public service announcements and reminders on fire safety on the department's Facebook page;*

*Whereas, The brave men and women of the Rensselaer Volunteer Fire Department have demonstrated professionalism, dedication, and honorable service to the city of Rensselaer and*

*the surrounding communities for 125 years;*

*Whereas, Due to the protection of the Rensselaer Volunteer Fire Department, all of the citizens of Rensselaer and the surrounding communities enjoy the security of knowing that fire protection and emergency medical services are readily available when needed;*

*Whereas, As a result of this visionary group of dedicated fire service volunteers, countless lives, homes, and businesses have been protected and saved from the ravages of fire and natural disasters. Today, the city of Rensselaer is a much safer place to live, work, and raise a family;*

*Whereas, The Rensselaer Volunteer Fire Department, the City of Rensselaer, and the state of Indiana will celebrate the 125th anniversary and honor Rensselaer's firefighters past and present on May 8, 2021, at the fire department; and*

*Whereas, The distinguished service and sacrifice provided by the members of the Rensselaer Volunteer Fire Department for the past 125 years has brought pride and honor to the city of Rensselaer and the state of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors the Rensselaer Volunteer Fire Department for 125 years of service to the community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Douglas Gutwein for distribution.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 56**

Representative Jacob introduced House Resolution 56:

A HOUSE RESOLUTION congratulating Carson Steele, Indiana's 2020 Mr. Football.

*Whereas, Center Grove High School running back Carson Steele is the 2020 winner of Indiana's Mr. Football award;*

*Whereas, Steele, a senior, is Center Grove's all-time leading rusher with 5,907 yards, and he is the first Trojan to win the Mr. Football award;*

*Whereas, Steele gained notoriety as a freshman where he finished the season rushing 1,703 yards, scoring 20 touchdowns. He then completed his sophomore season with an astounding 2,270 yards and 29 touchdowns;*

*Whereas, Steele came back from injuries in his junior year and finished his final season in high school football with 1,659 yards and 31 touchdowns, scoring 82 touchdowns during his career;*

*Whereas, Steele graduates with 16 school records in all; and*

*Whereas, Carson Steele will be remembered at Center Grove High School for his hard work and determination on the field and for his passion and commitment to high school football: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Carson Steele as Indiana's Mr. Football award recipient.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative John Jacob for distribution.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 57**

Representative Jacob introduced House Resolution 57:

A HOUSE RESOLUTION honoring Carol Tumey.

*Whereas, Carol Tumey is known by friends and colleagues as an extraordinary public servant and a humble pioneer for girls athletics in the state of Indiana;*

*Whereas, Mrs. Tumey devoted 40 years as a teacher and athletic administrator at Center Grove High School;*

*Whereas, Mrs. Tumey forged a path for female athletes at Center Grove, developing the first girls' sports program;*

*Whereas, Mrs. Tumey became the first girls' basketball coach and went on to coach girls track and field, volleyball, and cross country teams. She is also credited with creating the first girls' county basketball tournament in Franklin County;*

*Whereas, Mrs. Tumey was elected to the Center Grove Community School Corporation Board of Trustees in 2008, on which she served three terms. She held several leadership positions and served as a Board liaison to many community groups;*

*Whereas, Mrs. Tumey was inducted into the Indiana Basketball Hall of Fame in 2011 for her many years of service to female athletics in Indiana;*

*Whereas, Mrs. Tumey continues her service to the state of Indiana as a professor at her alma mater, Franklin College, where she teaches the next generation of educators;*

*Whereas, On January 5, 2021, Mrs. Tumey was presented with the Sagamore of the Wabash award from Indiana Governor Eric Holcomb in recognition of her impact in Indiana; and*

*Whereas, It is fitting that the House of Representatives honors Mrs. Tumey for her many contributions to her community and the state of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Mrs. Carol Tumey for her pioneering work for female athletics in Indiana.

SECTION 2. That the Indiana House of Representatives congratulates Mrs. Carol Tumey as a recipient of the Sagamore of the Wabash award.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative John Jacob for distribution.

The resolution was read a first time and adopted by voice vote.

#### **House Resolution 58**

Representatives Young, Davis and Jacob introduced House Resolution 58:

A HOUSE RESOLUTION congratulating the Center Grove High School football team.

*Whereas, The Center Grove High School football team won the Indiana High School Athletic Association Class 6A championship on November 27, 2020;*

*Whereas, The Trojans were ranked No. 1 all season and earned their third state title and sixth appearance in program history;*

*Whereas, The Trojans left Lucas Oil Stadium with a 38-14 win against Westfield High School, and finished a perfect season, 14-0;*

*Whereas, Center Grove staved off an experienced Westfield offense that came into the final on a 12-game winning streak that averaged 36 points per game;*

*Whereas, Junior quarterback Tayven Jackson completed nine passes for 180 yards and two touchdowns;*

*Whereas, Senior receiver Trent Vieth recorded two scoring catches of 73 yards and 10 yards, respectively;*

*Whereas, Senior running back Carson Steele finished a successful career with 138 yards rushing on 31 carries and two scores;*

*Whereas, Head Coach Eric Moore led the Trojans during this phenomenal season;*

*Whereas, The state final win is the result of hard work, determination, passion, and skill exhibited by each player for the sake of the team; and*

*Whereas, The 2020-2021 football season will be remembered for years to come by team players, coaches, staff, family, and friends: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Center Grove High School football team on winning the 6A state championship title.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative John Young for distribution.

The resolution was read a first time and adopted by voice vote.

### **House Concurrent Resolution 47**

Representative Jacob introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION urging Congress to support democracy and the civilian-led people of Burma.

*Whereas, On February 1, 2021, the military of Burma (the "Tatmadaw") seized power in a coup shortly before a new government was scheduled to be formed;*

*Whereas, Burma is composed of multiethnic groups and political factions, including armed militia groups exerting considerable control in parts of the country. Since its independence in 1948, political instability and fighting in the country has been described by some observers as "the world's longest running civil war";*

*Whereas, Burma's military-controlled administration took power in a March 1962 coup and has had a long history of imposing direct or heavily influenced rule over the people of Burma and taking ruthless, self-serving, and repressive actions toward ethnic minorities across the country;*

*Whereas, In 1988, the people of Burma, led by university students, protested against the military dictatorship, which led to the Tatmadaw deploying the use of machine guns and tanks on crowds of unarmed protesters, resulting in thousands killed and thousands more displaced;*

*Whereas, In May 1990, the Tatmadaw called for the election of a new legislature, which saw the opposition party, the National League of Democracy (NLD) led by political leader Aung San Suu Kyi, win four-fifths of the available seats, but the Tatmadaw prohibited the legislature from convening and placed two of the party's leaders under house arrest;*

*Whereas, Facing political challenges from the people of Burma, the military leaders ratified a new constitution in 2008 to allow for national elections in 2010, but the constitutional amendment also imposed a requirement that one-fourth of the members of each legislative chamber would be appointed by the Tatmadaw;*

*Whereas, In the 2010 elections, following a series of election reform laws that forced the NLD to dissolve and annul the results of the 1990 elections, Tatmadaw-supported candidates formed a semi-democratic civilian government and began to experience years of growth;*

*Whereas, Between 2016 and 2018, the country's military and police conducted brutal crackdowns on the civilian Muslim population of Rakhine state, causing an estimated more than 800,000 to flee the country;*

*Whereas, On November 8, 2020, Burma conducted another parliamentary election, which resulted in the NLD winning a clear majority of seats in both legislative chambers and decreasing the seats of the Tatmadaw-aligned party, resulting in the military rejecting the election results;*

*Whereas, On February 1, 2021, parliament was scheduled to meet for the first time since the election. However, the Tatmadaw arrested and detained NLD leaders, including State Counselor Aung San Suu Kyi and President Win Myint, claimed unlawful control of the government, and enacted portions of its constitution to declare a national emergency to further consolidate power in the hands of senior generals of the Tatmadaw;*

*Whereas, In response to the coup, a general strike was held on February 22, 2021, across Burma, with countless citizens participating and with protests continuing day and night. An estimated 700 people have been detained so far, with additional unlawful arrests occurring in the middle of the night;*

*Whereas, Internet access and connectivity in the country has been cut off or strictly limited to hide Tatmadaw actions against the people of Burma and prevent or hinder the people of Burma in their fight for democracy;*

*Whereas, At least 149 peaceful civilian protestors have been killed by the military coup gangs in Burma since protests against the military started, per the United Nations;*

*Whereas, Current instability may exacerbate existing tensions among ethnic groups and other factions across Burma, leading to increased violence;*

*Whereas, In recent decades, an estimated 40,000 refugees have fled Burma and are still living in neighboring countries, including Malaysia, India, and Thailand, and many would be risking arrest and their lives if they return;*

*Whereas, There are an estimated 200,000 Burmese living in the United States, many of whom arrived in the past 15 years as refugees escaping violence and oppression at the hands of the military;*

*Whereas, More than 30,000 Burmese refugees have settled in Indiana, with nearly 20,000 of the total refugees living on the south side of Indianapolis;*

*Whereas, Following the latest actions by the Tatmadaw military, U.S. citizens and activists abroad have joined the people of Burma in solidarity to protest the actions of the Burmese military, to support democracy, and to end any human rights violations;*

*Whereas, Pressure, engagement, and intervention from the international community is needed to uphold democracy; and*

*Whereas, The United States, with the support of international partners, must act urgently to prevent further bloodshed in the*

country: Therefore,

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges Congress to provide support to the democratic-led people of Burma, and the return to power of all members of the civilian government.

SECTION 2. That the Indiana General Assembly urges Congress to allow more Burmese refugees, who fled their country to escape military persecution and threats of violence, an opportunity to settle in the United States.

SECTION 3. That the Indiana General Assembly urges Congress and the United Nations Security Council to consider additional measures to support the people of Burma.

SECTION 4. The Principal Clerk of the House of Representatives is hereby directed to transmit copies of this Resolution to each member of the Indiana congressional delegation.

The resolution was read a first time and referred to the Committee on Judiciary.

## ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1030, 1270 and 1009.

Engrossed Senate Bill 232

LEONARD, Chair

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 12 hours, so that they may be eligible to be placed before the House for action: Engrossed House Bills 1030, 1270 and 1009.

Engrossed Senate Bill 232.

LEONARD, Chair

Motion prevailed.

Representatives Eberhart and Morris, who had been excused, are now present.

### CONFERENCE COMMITTEE REPORT ESB 232-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 232 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10-13-1, AS AMENDED BY P.L.112-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 1. As used in this chapter, "exposure risk disease" refers to:

- (1) anthrax;
- (2) hepatitis;
- (3) human immunodeficiency virus (HIV);
- (4) meningococcal meningitis;
- (5) any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19);**
- ~~(5) (6)~~ smallpox; or
- ~~(6) (7)~~ tuberculosis.

SECTION 2. IC 5-10-13-5, AS AMENDED BY P.L.112-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in section 6 of this chapter, an employee who:

- (1) is diagnosed with a health condition caused by an exposure risk disease that:
  - (A) requires medical treatment; and
  - (B) results in total or partial disability or death;
- (2) by written affidavit has provided to the employee's employer a verification described in subsection (b), (c), (d), (e), ~~or (f)~~, **or (g)**; and
- (3) before the employee is diagnosed with a health condition caused by hepatitis or tuberculosis, tests negative for evidence of hepatitis or tuberculosis through medical testing;

is presumed to have a disability or death incurred in the line of duty.

(b) **This subsection applies to** an employee who is diagnosed with a health condition caused by hepatitis. ~~and~~ If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee has not:

- (1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by hepatitis;
- (2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
- (3) received blood products for the treatment of a coagulation disorder since testing negative for hepatitis;
- (4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
- (5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
- (6) used intravenous drugs that were not prescribed by a physician.

(c) **This subsection applies to** an employee who is diagnosed with a health condition caused by meningococcal meningitis. ~~and~~ If the health condition results in disability or death **and the employee** wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, **the employee** shall, by written affidavit executed before death, provide verification that the employee, in the ten (10) days immediately preceding the diagnosis, was not exposed to another individual known to:

- (1) have meningococcal meningitis; or
- (2) be an asymptomatic carrier of meningococcal meningitis;

outside the scope of the employee's current employment.

(d) **This subsection applies to** an employee who is

diagnosed with a health condition caused by tuberculosis. ~~and~~; If the health condition results in disability or death ~~and the employee~~ wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, ~~the employee~~ shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have tuberculosis.

(e) **This subsection applies to** an employee who is diagnosed with a health condition caused by HIV. ~~and~~; If the health condition results in disability or death ~~and the employee~~ wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, ~~the employee~~ shall, by written affidavit executed before death, provide verification that the employee has not:

- (1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by HIV;
- (2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
- (3) received blood products for the treatment of a coagulation disorder since testing negative for HIV;
- (4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
- (5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
- (6) used intravenous drugs that were not prescribed by a physician.

(f) **This subsection applies to** an employee who is diagnosed with a health condition caused by smallpox. ~~and~~; If the health condition results in disability or death ~~and the employee~~ wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, ~~the employee~~ shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have smallpox.

(g) **This subsection applies to an employee who is diagnosed after June 30, 2021, with a health condition caused by any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19). If the health condition results in disability or death and the employee wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19).**

~~(g)~~ (h) A presumption of disability or death incurred in the line of duty may be rebutted by competent evidence.

~~(h)~~ (i) A meeting or hearing held to rebut a presumption of disability or death incurred in the line of duty may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

#### SECTION 3. An emergency is declared for this act.

(Reference is to ESB 232 as reprinted March 31, 2021.)

JON FORD  
NIEZGODSKI  
Senate Conferees

JUDY  
ANDRADE  
House Conferees

Roll Call 464: yeas 85, nays 1. Report adopted.

Representatives Hatcher, who had been excused, is now present.

Representative Vermilion, who had been present, is now excused.

#### CONFERENCE COMMITTEE REPORT EHB 1270-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1270 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 41, delete lines 30 through 32.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1270 as reprinted April 13, 2021.)

FRYE

GORE

House Conferees

CRIDER

J.D. FORD

Senate Conferees

Roll Call 465: yeas 80, nays 6. Report adopted.

Representatives Dvorak and Mayfield, who had been excused, are now present.

#### CONFERENCE COMMITTEE REPORT EHB 1009-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1009 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.1-21-6, AS AMENDED BY P.L.214-2018(ss), SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 6. (a) Except as provided by subsections (b), (d), and (e), an individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), is eligible for a credit under this chapter equal to ~~nine percent (9%)~~ **ten percent (10%)** of the amount of the federal earned income tax credit that the individual:

(1) is eligible to receive in the taxable year; and

(2) claimed for the taxable year;

under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).

(b) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the amount of the credit is equal to the product of:

(1) the amount determined under subsection (a); multiplied by

(2) the quotient of the taxpayer's income taxable in Indiana divided by the taxpayer's total income.

(c) If the credit amount exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess shall be refunded to the taxpayer.

(d) If a taxpayer properly elects to determine the taxpayer's earned income in accordance with the federal Bipartisan Budget

Act of 2018 for purposes of the credit under Section 32 of the Internal Revenue Code for a taxable year beginning after December 31, 2016, the election shall be treated as being made for purposes of the credit under this chapter.

(e) The minimum earned income amounts and phaseout threshold amounts for the credit under this section are subject to the same cost of living adjustments provided in the Internal Revenue Code.

SECTION 2. IC 12-14-2-1, AS AMENDED BY P.L.14-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) After the investigation under IC 12-14-1-6, the county office shall decide the following:

- (1) Whether the child is eligible for assistance under this article.
- (2) The amount of assistance.
- (3) The date assistance begins.
- (b) The county office may not consider:
  - (1) money in an individual development account under IC 4-4-28 that belongs to the child or a member of the child's family;
  - (2) ten thousand dollars (\$10,000) of equity value (as defined in 470 IAC 10.1-3-1) in one (1) motor vehicle that belongs to a member of the child's family;
  - (3) a Holocaust victim's settlement payment received by the child or a member of the child's family; or
  - (4) money earned by the child or a member of the child's family as a student participating in:
    - (A) a paid internship;
    - (B) a work based learning course (as defined in IC 20-43-8-0.7); or
    - (C) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

when determining whether the ~~child~~ **individual** is eligible for assistance under this article.

SECTION 3. IC 12-14-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. After a household has been determined to be eligible for assistance under this article, additional annual income of up to fifteen thousand dollars (\$15,000) earned in the household may not be considered as changing eligibility status if the additional annual income is earned by an individual who:**

- (1) resides in the household;**
- (2) is less than twenty-four (24) years of age; and**
- (3) earns the additional annual income while the individual is a student participating in or pursuing:**
  - (A) a postsecondary degree;**
  - (B) a workforce certificate;**
  - (C) a pre-apprenticeship; or**
  - (D) an apprenticeship.**

SECTION 4. IC 12-14-2-3, AS AMENDED BY P.L.14-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (b), when determining the amount of assistance, an accounting must be taken of any income or property of the child that the child may receive from another source.

(b) The following may not be considered as income or property of the child when determining the amount of assistance for the child:

- (1) Money in an individual development account established under IC 4-4-28 that belongs to a child or a member of the child's family.
- (2) A Holocaust victim's settlement payment received by the child or a member of the child's family.
- (3) Money earned by the child or a member of the child's family as a student participating in:
  - (A) a paid internship;

(B) a work based learning course (as defined in IC 20-43-8-0.7); or

(C) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3).

**(4) Annual income of up to fifteen thousand dollars (\$15,000) that is earned by an individual in the child's household, if the income is earned by an individual who:**

- (A) resides in the household;**
- (B) is less than twenty-four (24) years of age; and**
- (C) earns the additional annual income while the individual is a student participating in or pursuing:**
  - (i) a postsecondary degree;**
  - (ii) a workforce certificate;**
  - (iii) a pre-apprenticeship; or**
  - (iv) an apprenticeship.**

(Reference is to EHB 1009 as reprinted April 13, 2021.)

GOODRICH	JON FORD
PRYOR	QADDOURA
House Conferees	Senate Conferees

Roll Call 466: yeas 88, nays 1. Report adopted.

### CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

HB 1190      Conferees: Representative Heine replacing Representative Moseley

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

SB 82	Conferees: Cook and Porter
	Advisors: Saunders, Snow and Shackelford

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 1:33 p.m. with the Speaker in the Chair.

Representatives Aylesworth, Fleming, Hatfield, Jackson, King, Rowray, Vermilion and Young, who had been excused, are now present.

Representatives Behning, Frye and Wesco, who had been present, are now excused.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 467: 92 present. The Speaker declared a quorum present.

### RESOLUTIONS ON FIRST READING

#### House Resolution 59

Representative Pryor introduced House Resolution 59:

A HOUSE RESOLUTION honoring the lives of Ronald Wilkins and Ann Grissom-Wilkins.

*Whereas, Ronald Wilkins passed away on January 8, 2021, a day before his wife of 33 years, Ann Grissom-Wilkins, who passed away on January 9, 2021;*

*Whereas, Ronald Wilkins was born on September 6, 1954, in Indianapolis. He graduated from Shortridge High School in 1972, where he excelled in band, football, and wrestling;*



*Whereas, Ann Grissom-Wilkins was born on May 14, 1961, in Detroit, Michigan. She graduated from Cass Technical High School in her beloved hometown in 1979. She never missed a reunion;*

*Whereas, Both Ronald and Ann made a positive impact in the lives of many children during their careers as teachers in the Indianapolis Public Schools. They believed children are born with promise and it is part of the duties of a teacher to encourage growth and virtue, which they did everyday;*

*Whereas, Ronald and Ann had three beautiful children together, and cherished their time with their children, grandchildren, and other family members. Ann was known for always showing up when and where she needed by those she loved;*

*Whereas, Both Ronald and Ann were members of the Mt. Zion Baptist Church, where they forged lasting friendships and a deeper connection with their community; and*

*Whereas, Ronald and Ann were known to be fun and caring individuals who lived and loved wholeheartedly: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors the lives and contributions of Ronald and Ann Wilkins.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Cherrish Pryor for distribution.

The resolution was read a first time and adopted by voice vote.

## **ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

EHB 1421

ESB 5, 175 and 332

LEONARD, Chair

Report adopted.

### **HOUSE MOTION**

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action: EHB 1421

ESB 5, 175 and 332

LEONARD, Chair

Motion prevailed.

Representative Moed, who had been excused, is now present.

Representative Lindauer, who had been present, is now excused.

### **CONFERENCE COMMITTEE REPORT**

#### **ESB 332-1**

Mr. Speaker: Your Conference Committee appointed to

confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 332 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-3-1-2, AS AMENDED BY P.L.21-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three

(3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If any officer charged with the duty of publishing any notice required by law is unable to procure publication of notice:

(1) at the price fixed by law;

(2) because all newspapers or locality newspapers that are qualified to publish the notice refuse to publish the notice; or

(3) because the newspapers or locality newspapers referred to in subdivision (2) refuse to post the notice on the newspapers' or locality newspapers' Internet web sites (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers or locality newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(k) This subsection applies if an officer described in subsection (j) or the officer's designee submits a notice to a newspaper or locality newspaper in a timely manner and the

newspaper or locality newspaper does not refuse to publish the notice but subsequently fails to publish the notice. If, within the same period required for publishing notice under this section, the officer or officer's designee posts:

- (1) printed notices in three (3) prominent places in the political subdivision; or
- (2) notice on the political subdivision's Internet web site in a location where the notice is easily accessible and identifiable;

the notice is sufficient, and publication of the notice in newspapers or locality newspapers and on the newspapers' Internet web sites (if required under section 1.5 of this chapter) is not required.

**(l) A political subdivision that is required under this chapter to publish notice in a newspaper two (2) or more times may make:**

- (1) the first publication of notice in a newspaper as required under section 4 of this chapter or the applicable statute; and
- (2) all subsequent publications of notice:
  - (A) in accordance with IC 5-3-5; and
  - (B) on the official web site of the political subdivision.

If a political subdivision is required to publish a notice two (2) or more times in at least two (2) newspapers contemporaneously, the first publication of the notice includes the first publication of the notice in both newspapers.

SECTION 2. IC 5-3-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 5. Electronic Publication of Notices by Political Subdivisions**

**Sec. 1. This chapter applies to a political subdivision that:**

- (1) has an official web site; and
- (2) is authorized under IC 5-3-1-2 or another statute to publish a notice on the political subdivision's Internet web site in accordance with this chapter.

**Sec. 2. As used in this chapter, "official web site" means the Internet location designated by a political subdivision as its primary source of information about the political subdivision on the Internet.**

**Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 3-5-2-38. The term includes any administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service, or other similar body of a political subdivision created or established under law.**

**Sec. 4. (a) A political subdivision that is required by statute to publish notice in a newspaper two (2) or more times may make:**

- (1) the first publication of a notice in a newspaper or newspapers as required under IC 5-3-1-4 or the applicable statute; and
- (2) if the political subdivision maintains an official web site, all subsequent publications of the notice only on the official web site of the political subdivision.

**(b) If a political subdivision is required to publish a notice two (2) or more times in at least two (2) newspapers more or less contemporaneously, the first publication of the notice includes the first publication of the notice in both newspapers.**

**Sec. 5. The notice must:**

- (1) be in a location on the official web site where the notice is easily accessible and identifiable; and
- (2) remain on the official web site not less than seven (7) days after the last posting date

**required by law has expired.**

**Sec. 6. (a) The political subdivision or county, or a contractor that contracts with the political subdivision or county to administer the official web site, shall:**

- (1) create a printed copy of any notice posted on the official web site in a format that includes the date of publication on the first day that the legal notice is published on the official web site; and
- (2) maintain a printed copy of any notice for archival and verification purposes.

**(b) A proof of publication that complies with section 7 of this chapter must be furnished upon request. The proof of publication must state that the notice was posted from the initial date through the last posting date required by law.**

**Sec. 7. Proof of publication of an electronically published notice for the purpose of complying with public notice requirements is satisfied and considered conclusive upon the provision of the proof of publication described in section 6 of this chapter:**

- (1) executed by the official designated as responsible for the electronic publication under section 8 of this chapter; and
- (2) stating that the notice was posted from the initial date through the last posting date required by law.

**Sec. 8. The political subdivision shall:**

- (1) designate an official of the political subdivision to be responsible for electronic publications; and
- (2) post the official's name and contact information on the official web site.

**Sec. 9. IC 5-3-1-2.3 and any other provision regarding an error or omission in a notice published in a newspaper also apply to the electronic publication of a notice made in accordance with this chapter.**

SECTION 3. IC 6-1.1-23.5-10, AS ADDED BY P.L.235-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 10. (a) After preparing the notice described under section 9 of this chapter, the county treasurer shall do the following:**

- (1) Post a copy of the notice at a public place of posting in the county courthouse or in another public county building at least thirty (30) days before the earliest date on which the application for judgment may be made.
- (2) Publish the notice once in accordance with IC 5-3-1-4 at least thirty (30) days before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.
- (3) Publish a notice twice in accordance with **IC 5-3-1-2(l) or IC 5-3-1-4** at the following times stating that the complete listing of mobile homes eligible for sale at auction under this chapter is available on the Internet web site of the county government or the county government's contractor:

- (A) The first time at least seven (7) days after the publication of the notice required under subdivision (2).
- (B) The second time at least seven (7) days after the publication of the notice required under clause (A).

- (4) At least thirty (30) days before the earliest date on which the application for judgment may be made, mail a copy of the notice described under section 9 of this chapter by certified mail,

return receipt requested, to any party having a substantial property interest of record.

(b) The notices mailed under this section are considered sufficient notice of the intended application for judgment and of the sale of mobile homes under the order of the court.

(c) For mobile homes that are not sold when initially offered for sale under this chapter, the county treasurer may omit the descriptions of the mobile homes specified in section 9(b)(1) and 9(b)(3) of this chapter for those mobile homes when they are for sale at a subsequent auction if:

(1) the county treasurer includes in the notice a statement that descriptions of those mobile homes are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county treasurer upon request; and

(2) the descriptions of those mobile homes eligible for sale a second or subsequent time are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county treasurer in an alternative form upon request in accordance with section 11 of this chapter.

SECTION 4. IC 6-9-3-3.5, AS ADDED BY P.L.172-2011, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Before January 1 of each year, the board of managers shall annually publish a financial report summarizing the income and expenses of the board of managers for the previous twelve (12) months.

(b) The report required by subsection (a) must be published two (2) times, one (1) week apart:

**(1) with each publication of the report** in a daily or weekly newspaper published in the English language and of general circulation in both Clark County and Floyd County; **or**

**(2) with the first publication of the report in a newspaper described in subdivision (1) and the second publication of the report:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the board's official web site.**

(c) Before January 1 of each year, the board of managers shall prepare a written report generally summarizing the board's activities for the previous twelve (12) months. The report shall be made available on an Internet web site maintained by the board of managers.

SECTION 5. IC 8-2-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The legislative body shall not grant a license to the applicant until satisfactory evidence is produced showing that the application has been on file in the office of the city or town clerk for not less than fourteen (14) days and that notice of the filing of the application has been posted for at least two (2) weeks at the door of the city hall of any city or at some public place in any town and published once each week for two (2) consecutive weeks:

**(1) with each publication of the notice made** in a newspaper of general circulation in the city or town **or** where there is no newspaper, notice by posting is sufficient notice; **or**

**(2) with the first publication made in a newspaper described in subdivision (1) and the second publication:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the city or town.**

SECTION 6. IC 8-10-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in

this chapter:

(1) "Port authority" means a port authority created pursuant to authority of this chapter.

(2) The terms "port" or "harbor" may be used interchangeably and when used in this chapter shall mean any area used for servicing, storing, protecting, mooring, loading or unloading, or repairing any watercraft, on or adjacent to any body of water which may be wholly or partially within or wholly or partially adjacent to the state of Indiana. The terms include a breakwater area.

(3) The term "watercraft" shall mean any vessel, barge, boat, ship, tug, sailingcraft, skiff, raft, inboard or outboard propelled boat, or any contrivance known on March 13, 1959, or invented after March 13, 1959, used or designed for navigation of or use upon water, including a vessel permanently anchored in a port.

(4) "Publication" means publication once a week for two (2) consecutive weeks:

**(A) with each publication of notice made** in a newspaper of general circulation in the city, county, or counties ~~wherein such~~ **where** publication is required to be made; **or**

**(B) with the first publication of notice made in a newspaper described in clause (A) and the second publication of notice:**

**(i) in accordance with IC 5-3-5; and**

**(ii) on the official web site of the city, county, or counties where publication is required to be made.**

(5) The term "governing body" shall mean the legislative authority of the governmental unit or units establishing or having established a port authority under the provisions of this chapter.

SECTION 7. IC 8-14-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A resolution adopted under section 5 of this chapter shall be made available for public inspection. The board shall publish notice of the adoption. The notice must contain a general description of the resolution, and it must indicate that the resolution and included materials may be inspected at a specified location.

(b) The notice shall be published **once each week for two (2) consecutive weeks:**

**(1) with each publication of notice** in one (1) newspaper of general circulation within the local county road and bridge district; **or once each week for two (2) consecutive weeks.**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the county in which the district is located.**

(c) The notice shall specify a date, not less than ten (10) days after the date of last publication, on which the board will conduct a hearing at which interested or affected parties may object to the resolution.

SECTION 8. IC 10-18-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) If a county executive has adopted designs or plans for the construction of world war memorial structures as provided in section 6 of this chapter, the county executive shall:

(1) contract with a reliable contractor for all or any part of the construction of the world war memorial structure, as provided in this chapter; and

(2) publish ~~for at least three (3) weeks, one (1) time each week, in a newspaper of general circulation published in the county~~ a notice informing the public and contractors:

(A) of the nature of the structures to be constructed;

(B) that the designs and plans are on file in the office of the county executive; and

(C) that sealed proposals for contractors to work on the construction of the world war memorial are due not earlier than thirty (30) days from the first published notice.

**(b) A notice published under subsection (a)(2) shall be published for at least three (3) consecutive weeks:**

**(1) with each publication of notice in a newspaper of general circulation published in the county; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the two (2) subsequent publications:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the county's official web site.**

~~(b)~~ **(c)** A county executive shall, by order, impose conditions upon:

(1) bidders;

(2) contractors;

(3) subcontractors; and

(4) materialmen;

with regard to bond and surety and guaranteeing the faithful completion of work according to contract.

~~(d)~~ **(d)** All contracts with builders, architects, or materialmen must reserve to the county executive for good cause shown the right to cancel a contract and to relet work to others. If a contract is canceled, at least ten percent (10%) shall be reserved from payments on estimates on work done in progress until the contracts are completed and the work done, inspected, and accepted by the county executive.

~~(e)~~ **(e)** A payment, partial or final, may not be construed as a waiver of defective work or materials or as a release for damages on account of defective work or materials.

~~(f)~~ **(f)** A surety may not be released from any obligation on its bond if the contractor is paid the whole or any part of the percentages required to be reserved from current estimates. A surety may not be released by any final payment made to the contractor.

SECTION 9. IC 10-18-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. (a) If a county executive desires to carry out this chapter, the county executive must adopt a declaratory resolution in substance as follows:

"Be it resolved, by the county executive of \_\_\_\_\_ County, that said county should proceed alone, or jointly with the city of \_\_\_\_\_ located in such county, to carry out the purposes of IC 10-18-2."

(b) The resolution shall be recorded in the proceedings of the county executive. Notice of the adoption of the declaratory resolution shall be given by the county executive by the publication of the resolution **two (2) times** in full ~~by two (2) insertions~~ published at least a week apart in accordance with **IC 5-3-1-2(l) or IC 5-3-1-4.**

(c) The county executive may:

(1) appropriate money;

(2) make loans;

(3) issue bonds;

(4) levy taxes; and

(5) do everything that may be necessary to carry out this chapter.

If any bonds are issued under this chapter by a county and the bonds have to be refunded, it is not necessary for the county executive to adopt a declaratory resolution.

(d) The rights and powers of this chapter vested in any county executive may not be exhausted by being exercised one (1) or more times, but are continuing rights and powers.

(e) If there is a second or other subsequent exercise of power under this chapter by any county, it is not necessary for the county executive to adopt a declaratory resolution. Any county acting a second or subsequent time may proceed to carry out this chapter without any appropriation by the county fiscal body and without being required to comply with any other law relating to appropriations and budgets except for section 2 of this chapter.

SECTION 10. IC 10-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The board of commissioners of a county or the common council of a city shall, on petition of at least one hundred (100) adult citizens of the county or city, appoint a committee to be known as the memorial committee. The appointments may not be made until after notice of the filing of the petition has been published for at least two (2) weeks, ~~Publication must occur~~ once each week:

**(1) with each publication of notice made in a newspaper of general circulation in the county or city; or**

**(2) with the first publication of notice made in a newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the county or city.**

(b) The committee must have at least five (5) but not more than fifteen (15) members. Each committee member must be a citizen of the county or city in which the memorial is proposed. The members must be appointed based solely upon their fitness, and the committee must include representatives of educational, benevolent, labor, and other interests.

(c) The members of the committee serve without compensation. However, the board of commissioners or common council may compensate members for necessary expenses in the performance of their duty, including compensation of expert advisers. The board of commissioners or common council may make an appropriation in advance to compensate members for necessary expenses.

(d) The committee shall make a careful study of the subject of a suitable memorial in the county or city and report its conclusions to the board of commissioners or common council. The report must include:

(1) the kind of memorial regarded by the committee as appropriate;

(2) the estimated cost of erection and maintenance;

(3) the method of control; and

(4) any other matter the committee considers proper.

The committee shall make the report within six (6) months after appointment, unless a longer time is given by the board of commissioners or common council. A committee that fails to report within the time allowed is immediately regarded as dissolved, and the board of commissioners or common council shall appoint a new committee. A new committee appointed under this subsection is governed by the same rule regarding the

filing of a report and dissolution.

(e) A vacancy in the committee shall be filled by the board of commissioners or common council.

(f) A county or city in which a memorial committee has been appointed may not erect or provide for the erection of a memorial until the committee has made its report.

SECTION 11. IC 10-18-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Public notice must be provided in the manner set forth under ~~subsection (b) this section~~ if a petition signed by:

- (1) at least five hundred (500) citizens and taxpayers of a county; or
- (2) at least two hundred (200) citizens and taxpayers of a city;

requests the establishment and maintenance within the county or city of a memorial for the soldiers and sailors of World War I. The petition must be addressed to the board of commissioners of the county or the common council of the city and filed in the office of the auditor of the county or clerk of the city.

(b) The auditor or clerk shall:

- (1) publish a notice that includes a copy of the petition or a summary of the petition in a newspaper of general circulation printed and published in the county or city;
- (2) post a notice that includes a copy of the petition or a summary of the petition in at least ten (10) public places in the county; and
- (3) post a notice that includes a copy of the petition or a summary of the petition at the door of the county courthouse.

Notice under this subsection must also include the day the petition will be presented to the board. The day of the hearing must be fixed by the auditor or clerk at least thirty (30) days but not more than forty (40) days after the day of the filing of the petition.

(c) Notice of the petition signed by the auditor or clerk must be ~~published for three (3) consecutive weeks and posted for at least twenty (20) days before the day designated by the auditor or clerk for the hearing; and published for three (3) consecutive weeks:~~

- (1) with each publication of notice in a newspaper of general circulation printed and published in the county or city; or
- (2) with:

- (A) the first publication of notice in a newspaper described in subdivision (1); and
- (B) the two (2) subsequent publications of notice:
  - (i) in accordance with IC 5-3-5; and
  - (ii) on the official web site of the county or city;

~~before the day designated by the auditor or clerk for the hearing.~~

SECTION 12. IC 10-18-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the board of public works has adopted the necessary designs, plans, and specifications for construction of the World War memorial structures as provided in this chapter, the board of public works shall award contracts for all or any part of the World War memorial structures to competent and reliable contractors as provided in this section.

(b) The board of public works shall publish **in accordance with subsection (c) for at least three (3) weeks, once each week, in a newspaper of general circulation, printed and published in the English language in the city, a notice:**

- (1) informing the public and contractors of the general nature of the structures to be constructed and of the fact that designs, plans, drawings, and

specifications are on file in the office of the board of public works; and

(2) calling for sealed proposals for the work on a day not earlier than thirty (30) days from the first of such publications.

**(c) The notice shall be published for at least three (3) weeks:**

**(1) with each publication of notice in a newspaper of general circulation, printed and published in the English language in the city; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the two (2) subsequent publications of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the city.**

~~(c) (d)~~ The board of public works shall, by order, impose conditions upon bidders, contractors, subcontractors, and materialmen with regard to bond and surety, guaranteeing the good faith and responsibility of the bidders, contractors, subcontractors, and materialmen and insuring the faithful completion of the work, according to contract, or for any other purpose.

~~(d) (e)~~ The board of public works shall reserve ten percent (10%) from payments or estimates on work in progress until the contract is completed and the work done is inspected and accepted by the board. All contracts with contractors, subcontractors, architects, or materialmen must reserve:

(1) to the board of public works, for good cause shown, the right to cancel the contract and to award the work to others; and

(2) at least ten percent (10%) from payments or estimates on work in progress until the contract is completed and the work done is inspected and accepted by the board.

~~(e) (f)~~ Payment by the board of public works, partial or final, may not be construed as a waiver of defective work or materials or as a release for damages on account of the defective work or materials. A surety may not be released from any obligation on the surety's bond if a contractor should be paid the whole or any part of the percentage required to be reserved from current estimates. A surety may not be released by any final payment made to a contractor.

SECTION 13. IC 13-26-2-2.5, AS AMENDED BY P.L.292-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.5. (a) Before a representative may file a petition to establish a district, the representative must provide notice to all owners of property to be served by the proposed district that is the subject of the petition.

(b) Notice under subsection (a) must be provided as follows:

(1) Beginning at least thirty (30) days before the date on which a public meeting under subsection (c) is scheduled, by publication of notice ~~one (1) time each week~~ for three (3) consecutive weeks:

**(A) with each publication of notice:**

**(i) in at least two (2) newspapers of general circulation in each of the counties, in whole or in part, in the proposed district; or**

**(ii) if there is only one (1) newspaper of general circulation in a county, a single publication each week for three (3) consecutive weeks in one (1) newspaper satisfies the requirement of this subdivision; or**

**(B) with the first publication of notice made in a newspaper or newspapers described in clause (A) and the two (2) subsequent publications of notice:**

**(i) in accordance with IC 5-3-5; and**

**(ii) on the official web site of each county in the proposed district.**

(2) Beginning at least fourteen (14) days before the date on which a public meeting under subsection (c) is scheduled, by:

(A) first class United States mail, postage prepaid, mailed to each freeholder within the proposed district; and

(B) broadcasting at least three (3) public service announcements each day for fourteen (14) days on at least two (2) radio stations operating in each of the counties, in whole or in part, in the proposed district.

(c) After providing notice under subsection (b), a representative that seeks to file a petition to establish a district must conduct a public meeting to discuss and receive comments on the proposed district.

(d) A representative may not file a petition to establish a district:

(1) more than one hundred eighty (180) or less than sixty (60) days after providing notice under subsection (b); or

(2) less than thirty (30) days after a meeting held under subsection (c).

SECTION 14. IC 13-26-2-6, AS AMENDED BY P.L.165-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Except as provided in section 9 of this chapter, the hearing officer shall fix a time and place inside or within ten (10) miles of the proposed district for the hearing on any matter for which a hearing is authorized under this chapter.

(b) The hearing officer shall make a reasonable effort to provide notice of the hearing as follows:

(1) By publication of notice two (2) times each week for two (2) consecutive weeks:

**(A) with each notice:**

**(i) published** in at least two (2) newspapers of general circulation in each of the counties, in whole or in part, in the district; **and**

**(ii) The publication of notice must, at a minimum, include including a legal notice and a prominently displayed three (3) inches by five (5) inches advertisement; or**

**(B) with the first publication of notice in the newspapers described in clause (A) and all subsequent publications of notice:**

**(i) in accordance with IC 5-3-5; and**

**(ii) on the official web site of each of the counties, in whole or in part, in the district.**

(2) By United States mail sent at least two (2) weeks before the hearing to the following:

(A) The fiscal and executive bodies of each county with territory in the proposed district.

(B) The executive of all other eligible entities with territory in the proposed district, including the executive of a city or town that has: (i) a municipal sewage works under IC 36-9-23; or

(ii) a public sanitation department under IC 36-9-25;

having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district.

(C) The state and any of its agencies owning, controlling, or leasing land within the proposed district, excluding highways and public thoroughfares owned or controlled by the Indiana department of transportation.

(D) Each sewage disposal company holding a certificate of territorial authority under IC 8-1-2-89 respecting territory in the proposed district.

(3) By making a reasonable effort to provide notice of the hearing by regular United States mail, postage prepaid, mailed at least two (2) weeks before the hearing to each freeholder within the proposed district.

(4) By including the date on which the hearing is to be held and a brief description of:

(A) the subject of the petition, including a description of the general boundaries of the area to be included in the proposed district; and

(B) the locations where copies of the petition are available for viewing.

SECTION 15. IC 13-26-5-6.5, AS ADDED BY P.L.292-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.5. A district that intends to extend service within its territory shall provide notice to all owners of property to be served by the proposed extension of service in the following manner not later than sixty (60) days from the date of the decision to extend service:

**(1) By publication one (1) time each week for three (3) consecutive weeks:**

~~(1) (A) with each publication of notice: By publication of notice one (1) time each week for three (3) consecutive~~

~~(i) weeks~~ in at least two (2) newspapers of general circulation in each of the counties, in whole or in part, of the district affected by the proposed extension of service; **or**

~~(ii) if there is only one (1) newspaper of general circulation in a county, a single publication each week for three (3) consecutive weeks~~ satisfies the requirement of this subdivision; **or**

**(B) with the first publication of notice made in a newspaper or newspapers described in clause (A) and the two (2) subsequent publications of notice:**

**(i) in accordance with IC 5-3-5;**

**and**  
**(ii) on the official web site of the district.**

(2) By United States mail, postage prepaid, mailed to each freeholder within the territory to which the district proposes to extend service.

SECTION 16. IC 13-26-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. After introduction of the ordinance initially fixing rates or charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates or charges must be given by publication one (1) time each week for two (2) weeks:

**(1) with each publication of notice in a newspaper of general circulation in each of the counties with territory in the district; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the district.**

The last publication must be at least seven (7) days before the date fixed in the notice for the hearing. The hearing may be adjourned as necessary.

SECTION 17. IC 14-26-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Within ten (10) days after the filing of a petition, the clerk shall docket the petition as a cause of action pending in the circuit or superior court. The clerk shall cause notice to be given at least thirty (30) days before the date set for the hearing as follows:

(1) By publication one (1) time each week for two (2) consecutive weeks:

**(A) with each publication:**

**(i) in not less than two (2) newspapers of general circulation published in each county in which the lake is located; or**

**(ii) if there are not two (2) newspapers of general circulation published in a county, notice shall be published in one (1) newspaper of general circulation published in the county; or**

**(B) with the first publication of notice in a newspaper or newspapers described in clause (A) and the second publication of notice:**

**(i) in accordance with IC 5-3-5; and**

**(ii) on the official web site of each county in which the lake is located.**

(2) By posting a written or printed notice at the door of the courthouse in each county in which the lake lies.

(3) By sending written notice to the following:

(A) The county surveyor and county commissioners of each county affected.

(B) The department.

(b) The notice must do the following:

(1) Briefly describe the location and nature of the proposed work contained in the petition.

(2) Fix a day for the hearing on the petition.

SECTION 18. IC 14-28-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. (a) After the commission submits the final report, the legislative body of the

county or municipality shall give all interested persons an opportunity to be heard with reference to the final report at a public hearing convenient for all persons affected. The legislative body shall publish notice of the hearing in a daily newspaper of general circulation in the county or municipality.

(b) The notice must state the following:

(1) The time and place of the hearing.

(2) That the report contains a flood plain zoning ordinance for the county or municipality.

(3) That written objections to the proposed zoning ordinance filed with the clerk of the legislative body at or before the hearings will be heard.

(4) That the hearing will be continued as is necessary.

(c) The notice shall be published at least two (2) times within the ten (10) days before the time set for the hearing:

**(1) with each publication in a daily newspaper of general circulation in the county or municipality; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the county or municipality.**

During ~~which time the ten (10) day period~~, the proposed zoning ordinance shall be kept on file in the office of the commission or other designated place for public examination.

(d) Upon completion of the public hearing, the legislative body shall proceed to consider the ordinance.

SECTION 19. IC 14-33-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. **(a) This subsection applies only to a petition by freeholders.** The petitioners shall give notice of hearing on the petition as follows:

(1) By publication in two (2) newspapers of general circulation in each county having land in the proposed district, three (3) times at successive weekly intervals. The first publication must be at least thirty (30) days before the date of the hearing. If there is only one (1) newspaper of general circulation in a county, three (3) publications in that newspaper are sufficient.

(2) By mailing a copy of the notice at least twenty (20) days before the date of the hearing, first class postage prepaid, to each freeholder who has not signed the petition and who owns land in the proposed district, according to the records of the county auditor. The person having the notice mailed shall file an affidavit with the court showing the following:

(A) The names of the persons to whom notice was sent.

(B) The address to which the notice was sent.

(C) The date on which the notice was mailed.

**(b) This subsection applies only to a petition by a municipality under section 7 of this chapter. The municipality shall give notice of hearing as follows:**

**(1) By publication for three (3) consecutive weeks:**

**(A) with each publication of notice in two (2) newspapers of general circulation in each county having land in the proposed district or if there is**

**only one (1) newspaper, publication in that newspaper is sufficient; or**  
**(B) with the first publication of notice made in a newspaper or newspapers described in clause (A) and the two (2) subsequent publications of notice:**  
**(i) in accordance with IC 5-3-5; and**  
**(ii) on the official web site of the municipality.**

**The first publication of notice must be at least thirty (30) days before the date of the hearing.**

**(2) By mailing a copy of the notice at least twenty (20) days before the date of the hearing, first class postage prepaid, to each freeholder who has not signed the petition and who owns land in the proposed district, according to the records of the county auditor. The person having the notice mailed shall file an affidavit with the court showing the following:**

**(A) The names of the persons to whom notice was sent.**  
**(B) The address to which the notice was sent.**  
**(C) The date on which the notice was mailed.**

SECTION 20. IC 14-33-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The board shall give notice by publication ~~at least two (2) times at weekly intervals: once a week for two (2) successive weeks:~~

**(1) with each publication of notice:**

~~(1)~~ **(A) in two (2) newspapers of general circulation in each county having land in the district; or**  
~~(2)~~ **(B) in one (1) newspaper in the county if there is only one (1) newspaper of general circulation;**  
**or**

**(2) with the first publication of notice in the newspaper or newspapers as provided in subdivision (1), and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**  
**(B) on the official web site of the district.**

**The notice shall state the date that assessments are due and payable ~~within not later than~~ sixty (60) days after the date of the last publication.**

**(b) Payment of assessments shall be made at:**

**(1) the office of the board; or**  
**(2) if the court orders, the offices of the treasurers of the counties.**

**(c) The owners of real property assessed for exceptional benefits are entitled to make payment in full unless exceptional benefits are assessed annually and paid with special benefits taxes to the county treasurer. If payment is made in full, the board shall do the following:**

**(1) Note the payment in the assessment roll in the board's office.**  
**(2) Give a receipt to the landowner paying the assessment.**  
**(3) Enter satisfaction of the lien of the assessment in the appropriate record in the office of the recorder where the assessment is recorded.**

**(d) The payment of the assessment does not relieve the real property from being subject to the following:**

**(1) A special benefits tax.**  
**(2) An annual assessment for maintenance and operation based upon the original exceptional benefit assessment.**

SECTION 21. IC 14-33-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Within ten (10) days after the board certifies to the court, the board shall fix the following:

**(1) A convenient and suitable place for the election.**  
**(2) The date for the election not less than fifteen (15) and not more than thirty (30) days after the last publication of notice.**

**(b) The voting place must open at 9 a.m. local time and remain open for balloting continuously until 9 p.m. local time. However, if the district contains freeholds too numerous for freeholder balloting at a single voting place while allowing each freeholder a reasonable time but not exceeding two (2) minutes to cast a ballot, the board shall fix and arrange for multiple voting places as appears necessary to accommodate the freeholders eligible to vote.**

**(c) Notice of the time, place, and purpose for the election must be given on the same day of each week for two (2) consecutive weeks:**

**(1) with each publication of notice in an English language newspaper of general circulation published in each county having land in the district; or**  
**(2) with the first publication of notice made in the newspaper or newspapers described in subdivision (1), and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**  
**(B) on the official web site of the district.**

SECTION 22. IC 14-33-16.5-6, AS ADDED BY P.L.189-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Not later than ten (10) days after receipt of a notice under section 5 of this chapter, the board of directors of the smaller district shall fix the following:

**(1) A convenient and suitable place for the smaller district's election.**  
**(2) The date for the election that is at least sixty (60) days after the date on which the county auditor notifies the smaller district's board under section 5 of this chapter.**

**(b) The voting place must open at 9 a.m. local time and remain open for balloting continuously until 9 p.m. local time. If the number of freeholders in the smaller district is too great for balloting at a single voting place while allowing each freeholder a reasonable time to cast a ballot, the board shall arrange for the number of voting places necessary to accommodate the freeholders eligible to vote.**

**(c) Notice of the date, time, place, and purpose of the election must be given for two (2) consecutive weeks:**

**(1) with each publication of notice in an English language newspaper of general circulation published in each county having land in the smaller district; or**  
**(2) with the first publication of notice in the newspaper or newspapers described in subdivision (1), and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**  
**(B) on the official web site of the**



**smaller district.**

with The last publication ~~(1)~~ **may** not be less than fifteen (15) days and ~~(2)~~ not more than thirty (30) days before the date of the election.

(d) The board of directors of the smaller district shall also cause individual notice of the election to be given to all the smaller district's freeholders by first class mail.

(e) The notice published under subsection (c) and the individual freeholder notice mailed under subsection (d) must be in the following form:

Notice of a Dissolution and Assumption Election  
to the Freeholders of the \_\_\_\_\_  
(insert smaller district) Conservancy District

1. You are a freeholder (i.e. a real property owner) of the \_\_\_\_\_ (insert smaller district) Conservancy District. As a freeholder, you are one of the owners of the \_\_\_\_\_ (insert smaller district) Conservancy District.
2. A legally required number of the freeholders of the \_\_\_\_\_ (insert smaller district) Conservancy District has filed a petition with the \_\_\_\_\_ (insert county name) County Auditor requesting that the \_\_\_\_\_ (insert smaller district) Conservancy District be dissolved, and that the operation, obligations, and assets of the \_\_\_\_\_ (insert smaller district) Conservancy District be assumed by the \_\_\_\_\_ (insert larger district) Conservancy District.
3. The \_\_\_\_\_ (insert larger district) Conservancy District is contiguous to, has the same purpose as, and has a greater number of freeholders than the \_\_\_\_\_ (insert smaller district) Conservancy District.
4. The Board of Directors of the \_\_\_\_\_ (insert larger district) Conservancy District has passed a resolution stating:

A. That the \_\_\_\_\_ (insert larger district) Conservancy District is willing to assume the operation, obligations, and assets of the \_\_\_\_\_ (insert smaller district) Conservancy District; and

B. That upon becoming part of the \_\_\_\_\_ (insert larger district) Conservancy District, the freeholders of the \_\_\_\_\_ (insert smaller district) Conservancy District will become full and equal freeholders of the \_\_\_\_\_ (insert larger district) Conservancy District and be subject to and pay the same special benefits taxes and user charges generally charged by the \_\_\_\_\_ (insert larger district) Conservancy District.

5. An election of the freeholders of the \_\_\_\_\_ (insert smaller district) Conservancy District is set for the day of \_\_\_\_\_, \_\_\_\_\_, from 9:00 a.m. to 9:00 p.m., at the following location(s): \_\_\_\_\_.

6. The question presented for the election is whether the \_\_\_\_\_ (insert smaller district) Conservancy District should be dissolved, and whether the \_\_\_\_\_ (insert larger district) Conservancy District should assume the operations, obligations, and assets of the \_\_\_\_\_ (insert smaller district) Conservancy District.

7. A majority of the votes cast at the election will determine the question of whether the \_\_\_\_\_ (insert smaller district) Conservancy District should be dissolved, and whether the \_\_\_\_\_ (insert larger district) Conservancy District should assume the operations, obligations, and assets of the \_\_\_\_\_ (insert smaller district) Conservancy District.

8. As a freeholder of the \_\_\_\_\_ (insert smaller district) Conservancy District, you are entitled to and encouraged to vote at the election.

/ss/ Board of Directors,

\_\_\_\_\_  
(insert smaller district) Conservancy

## District

(f) If the board of directors of the smaller district fails to hold the election as required by this chapter, the county auditor of the county in which the smaller district's petition was filed shall:

- (1) conduct the election as required by this chapter; and
- (2) bill the board of directors of the smaller district for the county auditor's costs incurred for the election.

(g) The board of directors of the smaller district shall promptly pay a bill submitted to the smaller district under subsection (f).

SECTION 23. IC 14-33-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The petitioners shall give notice of the time, place, and purpose for the election: ~~as follows:~~

**(1) by publication for two (2) consecutive weeks:**

~~(1) (A) By with each publication of notice~~ on the same day of each week for ~~two (2) consecutive weeks~~ in an English language newspaper of general circulation published in the county; ~~or~~

**(B) with the first publication of notice made in the newspaper described in clause (A), and the second publication of notice:**

**(i) in accordance with IC 5-3-5; and**

**(ii) on the official web site of the county; and**

- (2) by mail at least twenty (20) days before the date of the election, first class postage prepaid, to each freeholder who has not signed the petition and who owns land in the proposed district according to the records of the county auditor.

SECTION 24. IC 14-34-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) After a permit is issued, the permittee may apply to the director for the release of all or part of the bond or deposit. As part of the bond release application, the permittee must do the following:

- (1) Submit copies of letters that the permittee has sent by certified mail to:

- (A) adjoining property owners;
- (B) local government bodies;
- (C) planning agencies;
- (D) sewage and water treatment authorities; or
- (E) water companies;

in the county in which the surface coal mining and reclamation operation is located notifying the entities of the bond release application.

- (2) Within thirty (30) days after filing the bond release application, submit a copy of an advertisement placed at least one (1) time a week for four (4) successive weeks in a newspaper of general circulation in the county in which the surface coal mining and reclamation operation is located. The advertisement must contain the following:

- (A) A notification of the precise location of the land affected.
- (B) The number of acres.
- (C) The permit and the date of approval.
- (D) The amount of the bond filed and the part sought to be released.
- (E) The type and appropriate dates

of reclamation work performed.

(F) A description of the results achieved relating to the operator's approved reclamation plan.

(b) The director may initiate an application for the release of a bond. If a bond release application is initiated by the director, the department shall perform the notification and certification requirements otherwise imposed on the permittee under this section and section 8 of this chapter. **However, the department may provide notice by publication under subsection (a)(2):**

**(1) with each publication of notice in the newspaper described in subsection (a)(2); or**  
**(2) with the first publication of notice in the newspaper described in subsection (a)(2) and the three (3) subsequent publications of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the county in which the surface coal mining and reclamation operation is located.**

SECTION 25. IC 14-34-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) If written objections are filed and a hearing requested under section 10 of this chapter, the director shall do the following:

(1) Inform all the interested parties of the date, time, and location of the hearing.

(2) ~~Advertise~~ **Publish notice of the information one (1) time each week for two (2) consecutive weeks:**

**(A) with each publication of notice in a newspaper of general circulation in the county where the surface coal mining and reclamation operation proposed for bond release is located; or one (1) time each week for two (2) consecutive weeks:**

**(B) with the first publication of notice in the newspaper described in clause (A) and the second publication of notice:**

**(i) in accordance with IC 5-3-5; and**

**(ii) on the official web site of the county where the surface coal mining and reclamation operation proposed for bond release is located.**

(b) The director shall hold the public hearing in accordance with IC 14-34-4-5:

(1) in the county where the surface coal mining and reclamation operation proposed for bond release is located; or

(2) at the state capital;

at the option of the objector, within thirty (30) days of the request for the hearing.

(c) At a hearing held under this section, the director may inspect the land affected and other surface coal mining operations carried on by the applicant in the vicinity.

(d) The director shall notify the permittee in writing of the decision and findings of the hearing within thirty (30) days of the completion of the hearing.

(e) The director's decision is subject to IC 4-21.5.

SECTION 26. IC 20-23-5-9, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The notice by publication required by section 8 of this chapter shall be made ~~(+)~~ two (2) times ~~(2)~~ a week apart: ~~and~~

~~(3)~~ **(1) with each notice by publication in two (2) daily newspapers of general circulation, published in the English language and of general circulation in the acquiring school corporation and in the losing school corporation; or**

**(2) with the first publication of notice in the newspapers described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web sites of the acquiring school corporation and the losing school corporation.**

(b) If there is only one (1) or no daily newspaper in either school corporation, a weekly newspaper may be used.

(c) If there is only one (1) daily or weekly newspaper, publication in the newspaper is sufficient.

(d) If a newspaper is of general circulation in both the acquiring school corporation and the losing school corporation, publication in the newspaper qualifies as one (1) of the required publications in the acquiring school corporation and the losing school corporation.

(e) Publication **in a newspaper** may be made jointly by the losing school corporation and acquiring school corporation.

(f) The remonstrance period runs from the second publication.

SECTION 27. IC 20-23-6-3, AS AMENDED BY P.L.169-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) If the governing bodies of at least two (2) school corporations desire to consolidate school corporations, the governing bodies may meet together and adopt a joint resolution declaring intention to consolidate school corporations. The resolution must set out the following information concerning the proposed consolidation:

(1) The name of the proposed new school corporation.

(2) The number of members on the governing body and the manner in which they shall be elected or appointed.

(A) If members are to be elected, the resolution must provide for:

(i) the manner of the nomination of members;

(ii) who shall constitute the board of election commissioners;

(iii) who shall appoint inspectors, judges, clerks, and sheriffs; and

(iv) any other provisions desirable in facilitating the election.

(B) Where applicable and not in conflict with the resolution, the election is governed by the general election laws of Indiana, including the registration laws.

(3) Limitations on residences, term of office, and other qualifications required of the members of the governing body. A resolution may not provide for an appointive or elective term of more than four (4) years. A member may succeed himself or herself in office.

(4) Names of present school corporations that are to be merged together as a consolidated school corporation.

In addition, the resolution may specify the time when the consolidated school corporation comes into existence.

(b) The number of members on the governing body as provided in the resolution may not be less than three (3) or more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school

corporations that:

- (1) have entered into an interlocal agreement to construct and operate a joint high school; or
- (2) are operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time the joint resolution is adopted.

(c) The members of the governing body shall, after adopting a joint resolution, give notice by publication once each week for two (2) consecutive weeks:

**(1) with each notice by publication** in a newspaper of general circulation, if any, in each of the school corporations, **or**, if a newspaper is not published in the school corporation, publication shall be made in the nearest newspaper published in the county in which the school corporation is located; **or**

**(2) with the first publication of notice in the newspaper or newspapers as provided in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web sites of each of the school corporations.**

(d) The governing bodies of school corporations shall hold a public meeting one (1) week ~~following~~ **after** the date of the appearance of the last publication of notice of intention to consolidate.

(e) If a protest has not been filed, as provided in this chapter, the governing bodies shall declare by joint resolution the consolidation of the school corporations to be accomplished, to take effect as provided in section 8 of this chapter. However, on or before the sixth day following the last publication of the notice of intention to consolidate, twenty percent (20%) of the legal voters residing in any school corporation may petition the governing body of the school corporations for an election to determine whether or not the majority of the voters of the school corporation is in favor of consolidation.

SECTION 28. IC 20-23-6-5, AS AMENDED BY P.L.278-2019, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the legal voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall call an election of the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks:

**(1) with each notice by publication** in a newspaper of general circulation in the school corporation, **or**, if a newspaper is not published in the:

~~(1)~~ **(A) township;**

~~(2)~~ **(B) town; or**

~~(3)~~ **(C) city;**

the notice shall be published in the nearest newspaper published in the county or counties; **or**

**(2) with the first publication of notice in the newspaper or newspapers as provided in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the school corporation.**

**Each notice shall state** that on a day and at an hour to be named in the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal voters upon whether the school corporation shall be consolidated with the other school corporations joining in the resolution.

(c) The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)?"

(d) Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice.

(e) The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election if the public question is certified to the county election board not later than the deadline set forth in IC 3-10-9-3.

(f) If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter.

SECTION 29. IC 20-23-6-5.5, AS ADDED BY P.L.169-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.5. (a) If twenty percent (20%) of the legal voters residing in any school corporation jointly with twenty percent (20%) of the legal voters in each of one (1) or more other school corporations:

(1) prepare a resolution for a proposed consolidation that sets forth:

(A) subject to section 3(b) of this chapter, the information required in section 3(a)(1) through 3(a)(4) of this chapter; and

(B) if applicable, the declarations in section 12.5 of this chapter; and

(2) petition the trustees of their respective school corporations to consolidate the school corporations, as set forth in the resolution;

each governing body petitioned shall hold, not later than sixty (60) days after the date the governing body receives the resolution and petition, a public meeting for discussion on the proposed consolidation.

(b) If any of the petitioned governing bodies agrees to the proposed consolidation as set forth in the resolution, the governing body shall give notice by publication of its intention to adopt the resolution on the proposed consolidation once each week for two (2) consecutive weeks:

**(1) with each notice by publication** in a newspaper of general circulation, if any, in each of the school corporations, **or**, if a newspaper is not published in the school corporation, publication shall be made in the nearest newspaper published in the county in which the school corporation is located; **or**

**(2) with the first publication of notice in the newspaper or newspapers as provided in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web sites of**

**each of the school corporations.**

(c) On or before the sixth day following the last publication of the notice of intention to consolidate required under subsection (b), twenty percent (20%) of the legal voters residing in any school corporation proposed to be consolidated may petition the governing body of the school corporation for an election to determine whether or not the majority of the voters of the school corporation is in favor of consolidation.

(d) If a protest has not been filed under subsection (c), the governing bodies may declare by joint resolution the consolidation of the school corporations to be accomplished, to take effect as provided in section 8 of this chapter.

(e) Except as provided in subsection (b), if:

- (1) a resolution and petition for consolidation has not been withdrawn thirty (30) days after the date of the public meeting under subsection (a); or
- (2) a protest petition described in subsection (c) has been filed;

each governing body shall call an election in each school corporation included in the proposed consolidation in the same manner as described in sections 5 and 6 of this chapter.

(f) The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter.

SECTION 30. IC 20-23-10-6, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) After the last concurrent resolution under section 5 of this chapter is adopted, notice of the adoption of the concurrent resolutions shall be given by stating:

- (1) the substance of the concurrent resolutions;
- (2) that the resolutions have been adopted; and
- (3) that a right of remonstrance exists as provided in this chapter.

It is not necessary to set out the remonstrance provisions of the statute, but a general reference to the right of remonstrance with a reference to this chapter is sufficient.

(b) The notice under subsection (a) shall be made two (2) times, one (1) week apart:

**(1) with each notice by publication:**

- (A) in two (2) daily newspapers, published in the English language and of general circulation in the county; or
- (B) if there is only one (1) daily or weekly newspaper in the county, publication in that newspaper is sufficient; or

**(2) with the first publication of notice in the newspaper or newspapers as provided in subdivision (1) and the second publication of notice:**

- (A) in accordance with IC 5-3-5; and
- (B) on the official web sites of each school corporation subject to the merger.

(c) The merger shall take effect at the time provided in section 5 of this chapter unless, not more than thirty (30) days after the first publication of the notice under subsection (b)(1), a remonstrance is filed in the circuit or superior court of the

county by registered voters equal in number to at least ten percent (10%) of the registered voters of a school corporation in the county.

SECTION 31. IC 20-25-5-13, AS AMENDED BY P.L.233-2015, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) The notice by publication required by sections 11 and 12 of this chapter shall be made ~~two (2) times a week~~ **apart one (1) time a week for two (2) consecutive weeks:**

**(1) with each notice by publication:**

(A) in two (2) daily newspapers of general circulation in the acquiring school corporation and the losing school corporation ~~The two (2) daily newspapers must be published in the English language;~~

**(B) if there is:**

(i) ~~there is only one (1) daily newspaper or if there are not any daily newspapers in either school corporation, a weekly newspaper may be used to provide notice;~~

(ii) ~~If there is only one (1) daily or weekly newspaper, publication in that newspaper is sufficient; or~~

(iii) ~~If a newspaper is of general circulation in both school corporations, the publication of notice in the newspaper qualifies as one (1) of the required publications in each of the school corporations;~~

~~or~~

**(2) with the first publication of notice in the newspaper or newspapers as provided in subdivision (1) and the second publication of notice:**

(A) in accordance with IC 5-3-5; and

(B) on the official web sites of the acquiring school corporation and the losing school corporation.

Publication under subdivision (1) may be made jointly by the losing school corporation and the acquiring school corporation. The remonstrance period runs from the second publication.

(b) If notice is required to be given by an acquiring school corporation to a losing school corporation, it may be made by registered or certified United States mail, return receipt requested, addressed to the:

- (1) governing body of the losing school corporation at the governing body's established business office; or
- (2) superintendent of schools or any officer of the governing body of any other school corporation.

SECTION 32. IC 32-24-1-7, AS AMENDED BY P.L.113-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The notice, upon its return, must show its:

- (1) service for ten (10) days; or
- (2) proof of publication for three (3) successive weeks:

(A) with each publication of the notice in a weekly newspaper of general circulation printed and published in the English language in the county in which the property sought to be acquired is located; or

(B) with the first publication of notice in a newspaper described

**in clause (A) and the two (2) subsequent publications of notice:**  
**(i) in accordance with IC 5-3-5; and**  
**(ii) on the official web site of the county.**

The last publication of the notice must be five (5) days before the day set for the hearing.

(b) The clerk of the court in which the proceedings are pending, upon the first publication of the notice, shall send to the post office address of each nonresident owner whose property will be affected by the proceedings a copy of the notice, if the post office address of the owner or owners can be ascertained by inquiry at the office of the treasurer of the county.

(c) The court, being satisfied of the regularity of the proceedings and the right of the plaintiff to exercise the power of eminent domain for the use sought, shall appoint:

- (1) one (1) disinterested freeholder of the county; and
- (2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana to assess the damages, or the benefits and damages, as the case may be, that the owner or owners severally may sustain, or be entitled to, by reason of the acquisition. One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the property.

SECTION 33. IC 32-24-2-6, AS AMENDED BY P.L.80-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) This chapter applies if the works board of a municipality wants to acquire property for the use of the municipality or to open, change, lay out, or vacate a street, an alley, or a public place in the municipality, including a proposed street or alley crossings of railways or other rights-of-way. However, this chapter does not apply if a municipality wants to acquire the property of a public utility (as defined in IC 8-1-2-1).

(b) The works board must adopt a resolution that the municipality wants to acquire the property. The resolution must describe the property that may be injuriously or beneficially affected. The board shall have notice of the resolution:

- (1) published in a newspaper of general circulation published in the municipality once each week for two (2) consecutive weeks; and

**(A) with each publication of notice in a newspaper of general circulation published in the municipality; or**

**(B) with the first publication of notice in a newspaper described in clause (A) and the second publication of notice:**

- (i) in accordance with IC 5-3-5; and**
- (ii) on the official web site of the municipality; and**

- (2) mailed to the owner of each piece of property affected by the proposed acquisition.

The notice must name a date, at least thirty (30) days after the last publication, at which time the board will receive or hear remonstrances from persons interested in or affected by the proceeding.

(c) The works board shall consider the remonstrances, if any, and then take final action, confirming, modifying, or rescinding its original resolution.

SECTION 34. IC 32-24-2-8, AS AMENDED BY P.L.80-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) Upon the completion of the list, the works board shall award the damages

sustained and assess the benefits accruing to each piece of property on the list.

(b) When the assessments or awards are completed, the works board shall have a written notice served upon the owner of each piece of property, showing the amount of the assessment or award, by:

- (1) if the owner is a resident of the municipality, leaving a copy of the notice at the owner's last usual place of residence in the municipality or by delivering a copy to the owner personally and mailing a copy of the notice to the owner's address of record; or
- (2) if the owner is not a resident of the municipality, by sending the notice to the owner's address of record by certified mail.

(c) If the owner's residence is unknown, the municipality shall notify the owner by publication in a daily newspaper of general circulation in the municipality once each week for three (3) successive weeks:

**(1) with each publication of notice in a daily newspaper of general circulation in the municipality; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the two (2) subsequent publications of notice:**

- (A) in accordance with IC 5-3-5; and**
- (B) on the official web site of the municipality.**

(d) The notices must also name a date, at least thirty (30) days after service of notice or after the last publication, on which the works board will receive or hear remonstrances from owners with regard to:

- (1) the amount of their respective awards or assessments; and
- (2) objections to the municipality's right to exercise the power of eminent domain for the use sought.

(e) Persons not included in the list of the assessments or awards and claiming to be entitled to them are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the works board.

(f) The notice required by this section must provide the full text of subsection (d) to provide notice to the property owners of their right to object to the condemnation and be in substantially the same form as the notice required under IC 32-24-1-6(a).

SECTION 35. IC 32-29-7-3, AS AMENDED BY P.L.247-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) In a proceeding for the foreclosure of a mortgage executed on real estate, process may not issue for the execution of a judgment or decree of sale for a period of three (3) months after the filing of a complaint in the proceeding. However:

- (1) the period is:
  - (A) twelve (12) months in a proceeding for the foreclosure of a mortgage executed before January 1, 1958; and
  - (B) six (6) months in a proceeding for the foreclosure of a mortgage executed after December 31, 1957, but before July 1, 1975; and

(2) if the court finds under IC 32-30-10.6 that the mortgaged real estate has been abandoned, a judgment or decree of sale may be executed on the date the judgment of foreclosure or decree of sale is entered, regardless of the date the mortgage is executed.

(b) A judgment and decree in a proceeding to foreclose a

mortgage that is entered by a court having jurisdiction may be filed with the clerk in any county as provided in IC 33-32-3-2. After the period set forth in subsection (a) expires, a person who may enforce the judgment and decree may file a praecipe with the clerk in any county where the judgment and decree is filed, and the clerk shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court. However, if:

(1) a praecipe is not filed with the clerk within one hundred eighty (180) days after the later of the dates on which:

- (A) the period specified in subsection (a) expires; or
- (B) the judgment and decree is filed; and

(2) the sale is not:

- (A) otherwise prohibited by law;
- (B) subject to a voluntary statewide foreclosure moratorium; or
- (C) subject to a written agreement that:
  - (i) provides for a delay in the sale of the mortgaged real estate; and
  - (ii) is executed by and between the owner of the mortgaged real estate and a party entitled to enforce the judgment and decree;

an enforcement authority that has issued an abatement order under IC 36-7-36-9 with respect to the mortgaged real estate may file a praecipe with the clerk in any county where the judgment and decree is filed. If an enforcement authority files a praecipe under this subsection, the clerk of the county in which the praecipe is filed shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court.

(c) Upon receiving a certified judgment under subsection (b), the sheriff shall, subject to section 4 of this chapter, sell the mortgaged premises or as much of the mortgaged premises as necessary to satisfy the judgment, interest, and costs at public auction at the office of the sheriff or at another location that is reasonably likely to attract higher competitive bids. The sheriff shall schedule the date and time of the sheriff's sale for:

(1) a date not later than:

- (A) sixty (60) days after the date on which a judgment and decree under IC 32-30-10.6-5; and
- (B) one hundred twenty (120) days after the date on which a judgment and decree in all other cases;

under seal of the court is certified to the sheriff by the clerk; and

(2) a time certain between the hours of 10 a.m. and 4 p.m. on any day of the week except Sunday.

(d) Before selling mortgaged property, the sheriff must advertise the sale by publication once each week for three (3) successive weeks:

- (1) with each publication of notice** in a daily or weekly newspaper of general circulation ~~The sheriff shall publish the advertisement in at least one (1) newspaper published and circulated in each county where the real estate is situated; or~~
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the two (2) subsequent publications of notice:**
  - (A) in accordance with IC 5-3-5; and**
  - (B) on the official web site of each county where the real estate is located.**

The first publication shall be made at least thirty (30) days before the date of sale. At the time of placing the first advertisement by publication, the sheriff shall also serve a copy of the written or printed notice of sale upon each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person.

(e) The sheriff shall charge a fee of ten dollars (\$10) to one (1) owner and three dollars (\$3) to each additional owner for service of written notice under this subsection. The fee is:

- (1) a cost of the proceeding;
- (2) to be collected as other costs of the proceeding are collected; and
- (3) to be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

~~(e)~~ **(f)** The sheriff also shall post written or printed notices of the sale at the door of the courthouse of each county in which the real estate is located.

~~(f)~~ **(g)** If the sheriff is unable to procure the publication of a notice within the county, the sheriff may dispense with publication. The sheriff shall state that the sheriff was not able to procure the publication and explain the reason why publication was not possible.

~~(g)~~ **(h)** Notices under subsections (d), (e), ~~and (f)~~ **(f)**, and **(j)** must contain a statement, for informational purposes only, of the location of each property by street address, if any, or other common description of the property other than legal description. A misstatement in the informational statement under this subsection does not invalidate an otherwise valid sale.

~~(h)~~ **(i)** The sheriff may charge an administrative fee of not more than two hundred dollars (\$200) with respect to a proceeding referred to in subsection (b) for actual costs directly attributable to the administration of the sale under subsection (c). The fee is:

- (1) payable by the person seeking to enforce the judgment and decree; and
- (2) due at the time of filing of the praecipe;

under subsection (b).

~~(i)~~ **(j)** If a sale of mortgaged property scheduled under this section is canceled, the sheriff shall provide written notice of the cancellation to each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars (\$10) for notice to one (1) owner and three dollars (\$3) for notice to each additional owner for service of written notice under this subsection. The fee:

- (1) is a cost of the proceeding;
- (2) shall be collected as other costs of the proceeding are collected; and
- (3) shall be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

The fee for service under this subsection shall be paid by the person who caused the sale to be canceled.

SECTION 36. IC 34-55-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A sale of real estate, on execution, shall be advertised by the sheriff for at least twenty (20) days successively, next before the day of sale, by:

- (1) posting written or printed notices of the sale in three (3) public places in the township in which the real estate is located;
- (2) posting a like advertisement at the door of the courthouse of the county; and
- (3) advertising the sale for three (3) weeks successively:

**(A) with each publication of notice** in a newspaper:

~~(A)~~ (i) of general circulation;  
~~(B)~~ (ii) printed in the English language; and  
~~(C)~~ (iii) published in the county where the real estate is located; **or**  
**(B) with the first publication of notice one (1) time in a newspaper described in clause (A) and all successive publications of notice:**  
**(i) in accordance with IC 5-3-5; and**  
**(ii) on the official web site of each county where the real estate is located.**

(b) However, if the sheriff is not able to procure the publication of the notice in a newspaper of general circulation, published within the sheriff's county, the sheriff may dispense with the publication of the notice **or publish the notice on the official web site of each county where the real estate is located for three (3) weeks successively.** The land may be sold without the required publication, but the sheriff shall, in the sheriff's return of the writ, state the sheriff's inability to procure the publication **of notice in the newspaper.** The return has the same effect in evidence as the official returns of sheriffs in other cases.

(c) In a notice under this section, the sheriff must include the following:

- (1) A statement of the date, time, and place of the sale.
- (2) A description of the location of the property that includes, for informational purposes only, the location of each property by street address, if any, or other common description of the property other than legal description. However, a misstatement in the informational statement under this subdivision does not invalidate an otherwise valid sale.

SECTION 37. IC 36-1-12.5-5, AS AMENDED BY P.L.252-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The governing body may enter into an agreement with a public utility to participate in a utility efficiency program or enter into a guaranteed savings contract with a qualified provider to increase the political subdivision's billable revenues or reduce the school corporation's or the political subdivision's energy or water consumption, wastewater usage costs, or operating costs if, after review of the report described in section 6 of this chapter, the governing body finds:

- (1) in the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, that the amount the governing body would spend on the conservation measures under the contract and that are recommended in the report is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the report were followed;
- (2) in the case of conservation measures that are part of a project related to the alteration of a water or wastewater structure or system, that the amount the governing body would spend on the conservation measures under the contract and that are recommended in the report is not likely to exceed the amount of increased billable revenues or the amount to be saved in energy and water consumption costs, wastewater usage costs, and other operating costs over twenty (20)

years from the date of installation if the recommendations in the report were followed; and

(3) in the case of a guaranteed savings contract, the qualified provider provides a written guarantee as described in subsection (d)(3).

(b) Before entering into an agreement to participate in a utility efficiency program or a guaranteed savings contract under this section, the governing body must publish notice under subsection (c) indicating:

(1) that the governing body is requesting public utilities or qualified providers to propose conservation measures through:

- (A) a utility efficiency program; or
- (B) a guaranteed savings contract; and

(2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must be **published two (2) times with at least one (1) week between publications:**

**(1) be published with each publication of notice in accordance with IC 5-3-1-1** in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located; **or**

**(2) be published two (2) times with at least one (1) week between publications with the first publication of notice in the newspapers described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the school corporation or the political subdivision. and with**

The second publication **must be** made at least thirty (30) days before the date by which proposals must be received. **and**

**(3) meet the requirements of IC 5-3-1-1.**

(d) An agreement to participate in a utility efficiency program or guaranteed savings contract under this section must provide that:

(1) in the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of twenty (20) years or the average life of the conservation measures installed from the date of final installation;

(2) in the case of conservation measures that are part of a project related to the alteration of a water or wastewater structure or system, all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of twenty (20) years or the average life of the conservation measures installed from the date of final installation;

(3) in the case of the guaranteed savings contract:

(A) the:

(i) savings in energy and water consumption costs, wastewater usage costs, and other operating

costs; and  
(ii) increase in billable revenues; due to the conservation measures are guaranteed to cover the costs of the payments for the measures; and  
(B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and

(4) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation.

SECTION 38. IC 36-1.5-4-7, AS AMENDED BY P.L.184-2016, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) In the year before the year in which the participating political subdivisions are reorganized under this chapter:

(1) subject to subsection (b), the fiscal bodies of the reorganizing political subdivisions shall, in the manner provided by IC 6-1.1-17, adopt tax levies, tax rates, and a budget for the reorganized political subdivision either through the adoption of substantially identical resolutions adopted by each of the fiscal bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the fiscal bodies on which the members of each of the fiscal bodies are represented; and

(2) if the reorganized political subdivision will have elected offices and different election districts than any of the reorganizing political subdivisions, the legislative bodies of the reorganizing political subdivisions shall establish the election districts either through the adoption of substantially identical resolutions adopted by each of the legislative bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the legislative bodies on which the members of each of the legislative bodies are represented.

(b) This subsection applies to two (2) or more school corporations that participate in a reorganization in which the voters approve a plan of reorganization in a general election and the plan of reorganization provides for the reorganization to become effective for property taxes first due and payable in the immediately following calendar year. The participating school corporations may publish notices, hold public hearings, and take final action for the adoption of property tax levies, property tax rates, and a budget for the reorganized school corporation after the voters approve the plan of reorganization. The alternative schedule must comply with the following:

(1) Each participating school corporation shall give notice by publication to taxpayers of:

- (A) the estimated budget;
- (B) the estimated maximum permissible levy;
- (C) the current and proposed tax levies of each fund; and
- (D) the amounts of excessive levy appeals to be requested;

for the ensuing year **as set forth in subsection (c). The notice must be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing and with the last**

**publication not later than November 24 of the year the public question is approved by the voters.**

(2) Each participating school corporation must conduct a public hearing on the proposed tax levies, tax rates, and budget at least ten (10) days before the date the participating school corporation adopts the proposed tax levies, tax rates, and budget.

(3) The governing body of each participating school corporation must meet to fix the tax levies, tax rates, and budget for the ensuing year before December 6 of the year the public question is approved by the voters.

(4) The county auditor shall certify the adopted property tax levies, property tax rates, and budget for the reorganized school corporation to the department of local government finance before December 8 in the year in which the public question is approved by the voters.

Subject to subsection ~~(c)~~; **(d)**, the department of local government finance may adjust any other applicable time limit specified in IC 6-1.1-17 to be consistent with this section.

**(c) The notice under subsection (b)(1) must be published two (2) times:**

- (1) with each publication of notice in a newspaper in accordance with IC 5-3-1; or**
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of each participating school corporation.**

**The first publication of notice must be at least ten (10) days before the date fixed for the public hearing and the last publication of notice must be not later than November 24 of the year the public question is approved by the voters.**

~~(c)~~ **(d)** The department of local government finance is expressly directed to complete the duties assigned to it under IC 6-1.1-17-16 with respect to the submitted property tax levies, property tax rates, and budget as follows:

(1) For each budget year before 2019, not later than February 15 of that budget year.

(2) For each budget year after 2018, not later than December 31 of the year preceding that budget year, unless a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal under IC 6-1.1-18.5-16.

(3) For each budget year after 2018, not later than January 15 of the budget year if a taxing unit in a county is issuing debt after December 1 in the year preceding the budget year or intends to file a shortfall appeal under IC 6-1.1-18.5-16.

~~(d)~~ **(e)** If a school is converted into a charter school under IC 20-24-11, the charter school must, before December 1 of each year, publish its estimated annual budget for the ensuing year in accordance with IC 5-3-1.

SECTION 39. IC 36-2-4-8, AS AMENDED BY P.L.156-2020, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each



week for two (2) consecutive weeks, according to IC 5-3-1:

- (1) with each publication of notice in a newspaper in accordance with IC 5-3-1; or**
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

- (A) in accordance with IC 5-3-5; and**
- (B) on the official web site of the county.**

(c) The following apply in addition to the other requirements of this section:

- (1) Subject to subsection (f), the legislative body of a county shall:

- (A) subject to subdivision (2), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

- (B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

- (2) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (1)(A).

- (3) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (1).

- (4) The failure of an environmental restrictive ordinance to comply with subdivision (3) does not void the ordinance.

(d) This section (other than subsection (c)(1)) does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(e) An ordinance increasing a building permit fee on new development must:

- (1) be published:

- (A) one (1) time in accordance with IC 5-3-1; and

- (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

- (2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

(f) The notice requirements of subsection (c)(1) apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection (c)(1) as part of a risk based remediation proposal:

- (1) approved by the department; and
- (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 40. IC 36-7-9-25, AS AMENDED BY P.L.164-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) Notice of orders, notice of continued hearings without a specified date, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

- (1) sending a copy of the order or statement by

registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

(2) delivering a copy of the order or statement personally to the person to be notified;

(3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified and sending by first class mail a copy of the order or statement to the last known address of the person to be notified; or

(4) sending a copy of the order or statement by first class mail to the last known address of the person to be notified.

If a notice described in subdivision (1) is returned undelivered, a copy of the order or statement must be given in accordance with subdivision (2), (3), or (4).

(b) If service is not obtained by a means described in subsection (a) and the hearing authority concludes that a reasonable effort has been made to obtain service, service may be made by publishing a notice of the order or statement in accordance with IC 5-3-1 in the county where the unsafe premises are located. However, publication must be made two (2) times, at least one (1) week apart:

- (1) with each publication of notice in a newspaper in accordance with IC 5-3-1 in the county where the unsafe premises are located; or**
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

- (A) in accordance with IC 5-3-5; and**
- (B) on the official web site of the county where the unsafe premises are located.**

with The second publication must be made at least three (3) days before an event described in subsection (a). If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b)(1), 5(b)(2), 5(b)(4), 5(b)(5), 5(b)(6), 5(b)(7), and 5(b)(9) of this chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a) on the basis of information provided by the department (or, in the case of a consolidated city, the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.

(c) When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that the person has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(d) The date when notice of the order or statement is considered given is as follows:

- (1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at the person's dwelling or usual place of abode.

- (2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the

enforcement authority.

(3) Notice by publication is considered given on the date of the second day that publication was made.

(e) A person with a property interest in an unsafe premises who does not:

(1) record an instrument reflecting the interest in the recorder's office of the county where the unsafe premises is located; or

(2) if an instrument reflecting the interest is not recorded, provide to the department (or, in the case of a consolidated city, the enforcement authority) in writing the person's name and address and the location of the unsafe premises;

is considered to consent to reasonable action taken under this chapter for which notice would be required and relinquish a claim to notice under this chapter.

(f) The department (or, in the case of a consolidated city, the enforcement authority) may, for the sake of administrative convenience, publish notice under subsection (b) at the same time notice is attempted under subsection (a). If published notice is given as described in subsection (b), the hearing authority shall subsequently make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a).

SECTION 41. IC 36-10-4-5, AS AMENDED BY P.L.158-2013, SECTION 681, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) In a second class city, the board may adopt a resolution to extend the boundaries of the district to the county boundaries unless the county has already established a park district under IC 36-10-3. The board must file a certified copy of the resolution with the county auditor and county treasurer. Notice of the adoption of the resolution shall be given by publication once each week for two (2) weeks in accordance with IC 5-3-1:

**(1) with each publication of notice in a newspaper in accordance with IC 5-3-1 in the county; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the county.**

(b) Whenever the board has adopted a resolution under subsection (a), remonstrances may be filed by the affected voters within ninety (90) days after the last publication under subsection (a). Remonstrances must be signed in ink by the voter in person and state the address of each signer and that the signer is a registered voter. A person who signs a remonstrance when the person is not a registered voter commits a Level 6 felony. More than one (1) voter may sign the same remonstrance.

(c) A vote on the public question shall be held if at least the number of the registered voters of the county required under IC 3-8-6-3 to place a candidate on the ballot file remonstrances under subsection (b) with the county clerk protesting the extension of the district.

(d) The county clerk shall certify to the county election board in accordance with IC 3-10-9-3 whether or not the required number of registered voters of the county have filed remonstrances. If sufficient remonstrances have been filed, the county election board shall publish a notice of the election once a week for two (2) consecutive weeks in accordance with IC 5-3-1-4:

**(1) with each publication of notice in a newspaper in accordance with IC 5-3-1 in the county; or**

**(2) with the first publication of notice in a newspaper described in subdivision (1) and**

**the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web site of the county.**

The first publication ~~to~~ of the notice must be at least thirty (30) days before the date of the election. The question presented to the voters at the election shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the county park district be established?". The election is governed by IC 3 whenever not in conflict with this chapter. The county election board shall make a return of the votes cast at the referendum.

(e) If a majority of the votes cast are against the extension of the district, the district is not extended. If sufficient remonstrances are not filed or if a majority of the votes cast support the extension of the district, the district is extended.

(f) The extension of the district is effective on January 1 of the year following the adoption of the resolution or, if an election is held, on January 1 of the year following the date of the election.

(g) A municipality that becomes part of a district by reason of the extension of the district under this section may continue to establish, maintain, and operate parks and other recreational facilities under any other law. The parks and other recreational facilities shall be operated by the municipality separate from the parks and other recreational facilities under the jurisdiction of the board in the same manner as they would be operated by the municipality if it was not within the district.

(h) The operation of separate parks or recreational facilities by a municipality does not affect the obligation of property owners within the municipality to pay all taxes imposed on property within the district.

(i) The legislative body of a municipality may elect that the separate parks or other recreational facilities of the municipality be maintained or operated as a part of the district by adopting a resolution or an ordinance to that effect. The separate park or other recreational facility comes under the jurisdiction of the board at the time specified in the resolution or ordinance.

SECTION 42. IC 36-10-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) In lieu of authorizing and selling bonds as provided in this section, the board may adopt a resolution authorizing the negotiation of a loan or loans for the purpose of procuring the required funds. The resolution must set out the total amount of the loan desired and the approximate dates on which funds will be required and the amounts of them. The resolution must also set out the terms, conditions, and restrictions relative to the proposed loan or to the submission of proposals that the board considers advisable. Before the consideration of proposals for the making of a loan, a notice shall be published once each week for two (2) weeks:

**(1) with each publication** in a newspaper published in the county and a newspaper published in the city of Indianapolis; ~~setting or~~

**(2) with the first publication of notice in each newspaper described in subdivision (1) and the second publication of notice:**

**(A) in accordance with IC 5-3-5; and**

**(B) on the official web sites of the county and the city of Indianapolis.**

The notice must set out the amount and purpose of the proposed loan and a brief summary of other provisions of the resolution, including the time and place where proposals will be considered. The board may accept the proposal that in its judgment is the most advantageous to the authority.

(b) The total amount of loans negotiated by the authority under this section, when added to the amount of bonds issued under section 21 of this chapter, may not exceed three million dollars (\$3,000,000).

SECTION 43. IC 36-11-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. After introduction of the ordinance initially fixing rates and charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates and charges must be given by publication one (1) time each week for two (2) weeks:

- (1) with each publication of notice in a newspaper of general circulation in the county; or
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:
  - (A) in accordance with IC 5-3-5; and
  - (B) on the official web site of the county.

The last second publication must be at least seven (7) days before the date fixed in the notice for the hearing. The hearing may be adjourned as necessary.

(Reference is to ESB 332 as reprinted March 30, 2021.)

BUCK	MILLER
NIEMEYER	MCNAMARA
Senate Conferees	House Conferees

Roll Call 468: yeas 51, nays 40. Report adopted.

#### CONFERENCE COMMITTEE REPORT ESB 175-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 175 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-3-25-15, AS ADDED BY P.L.224-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. Nothing in this chapter shall be construed to give the existing wholesaler or a successor wholesaler any right to compensation if the existing wholesaler or successor wholesaler is terminated by the primary source of supply or predecessor source supplier: ~~either:~~

- (1) for failure to comply with any provision in the agreement to distribute the product;
- (2) for good cause as provided in IC 7.1-3-25.5; or
- (3) in accordance with IC 7.1-5-5-9.

SECTION 2. IC 7.1-3-25.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

#### **Chapter 25.5. Distribution Agreements Between a Beer Wholesaler and a Primary Source of Supply**

Sec. 1. A primary source of supply's amendment of, cancellation of, termination of, or refusal to renew a distribution agreement with a beer wholesaler is not effective unless the requirements of this chapter are satisfied.

Sec. 2. (a) As used in this section, "good cause" means any of the following:

- (1) A beer wholesaler's failure to pay a primary source of supply for products in accordance with the approved terms of the distribution agreement.
- (2) A failure by a beer wholesaler to substantially comply, without reasonable

excuse or justification, with any reasonable and material provision of the distribution agreement.

(3) A failure by an owner of the beer wholesaler to sell the person's ownership interest not later than one hundred twenty (120) days after the later of the following dates:

(A) The date judgment is entered against the owner of the beer wholesaler for a felony conviction that, in the reasonable judgment of the primary source of supply, may adversely affect the goodwill or interests of the beer wholesaler or primary source of supply.

(B) The date the primary source of supply learns of the felony conviction described in clause (A).

(b) A primary source of supply that intends to amend, cancel, terminate, or refuse to renew a distribution agreement may do so only if the primary source of supply:

(1) acts:

(A) with good cause; (B) in good faith; and (C) with due regard of the equities of the beer wholesaler;

(2) gives the beer wholesaler written notice:

(A) in accordance with section 5 of this chapter; and

(B) at least one hundred twenty (120) days before the date the primary source of supply intends to amend, cancel, terminate, or refuse to renew the distribution agreement; and

(3) gives the beer wholesaler the opportunity to substantially cure any deficiency in the beer wholesaler's performance that constitutes good cause not later than one hundred twenty (120) days after the date that notice is given under subdivision (2).

Sec. 3. (a) For purposes of this section, "good cause" means any of the following:

(1) A revocation or suspension of a beer wholesaler's:

(A) federal basic permit; or (B) permit issued under this title;

for more than fourteen (14) days.

(2) The assignment or attempted assignment by a beer wholesaler for the benefit of creditors.

(3) Any:

(A) attempted transfer of: (i) business assets; (ii) voting stock; or (iii) voting stock of any parent corporation; of the wholesaler; or

- (B) change in the beneficial ownership or control of any wholesaler entity;
- without obtaining the prior approval of the primary source of supply.
- (4) The institution of bankruptcy proceedings by or against a beer wholesaler.
- (5) The dissolution or liquidation of a beer wholesaler.
- (6) The insolvency of a beer wholesaler.
- (7) Fraudulent conduct by a beer wholesaler in any dealings with a primary source of supply or the primary source of supply's products, including an intentional sale of beer that an owner or senior manager of the wholesaler knows or should know is outside the primary source of supply's established standards.

(b) A primary source of supply may cancel, terminate, or refuse to renew a distribution agreement with a beer wholesaler without providing prior notice of the cancellation, termination, or refusal, if the primary source of supply:

- (1) acts:
  - (A) with good cause;
  - (B) in good faith; and
  - (C) with due regard of the equities of the beer wholesaler; and
- (2) provides the beer wholesaler with written notice in accordance with section 5 of this chapter, not later than five (5) days after the date of the cancellation of, termination of, or refusal to renew the distribution agreement.

Sec. 4. (a) This section applies to a primary source of supply that intends to amend, cancel, terminate, or refuse to renew distribution agreements with all beer wholesalers who:

- (1) have entered into the same distribution agreement with the primary source of supply; and
- (2) are located in the United States.

(b) A primary source of supply has the right to amend, cancel, terminate, or refuse to renew the distribution agreements, if the primary source of supply provides written notice to each beer wholesaler:

- (1) in accordance with section 5 of this chapter; and
- (2) at least ninety (90) days before the intended effective date of the amendment of, cancellation of, termination of, or refusal to renew each beer wholesaler's distribution agreement.

Sec. 5. A written notice under this chapter must comply with the following:

- (1) The notice must be sent by certified mail.
- (2) The notice must state the following:
  - (A) The effective date of the amendment of, cancellation of, termination of, or refusal to renew the distribution agreement.
  - (B) The:
    - (i) nature of; and
    - (ii) reason for; the amendment of, cancellation of, termination of, or refusal to renew the distribution

agreement. In the case of a notice provided by a primary source of supply under section 2 or 3 of this chapter, the notice must state the reason that constitutes good cause for purposes of those sections.

Sec. 6. (a) A primary source of supply or a beer wholesaler may not waive any provision of this chapter in a distribution agreement or other agreement.

(b) If a beer wholesaler enters into a distribution agreement, supplemental agreement, amendment, or any other agreement with a primary source of supply that waives a law, the beer wholesaler does not waive the rights provided to a beer wholesaler under this chapter.

SECTION 3. IC 7.1-5-5-9, AS AMENDED BY P.L.159-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) This section does not apply to product management (as described in 905 IAC 1-5.2-15) by a permittee.

(b) It is unlawful for a permittee to coerce, or attempt to coerce, or persuade another permittee to enter into an agreement, or to take an action, which would violate a provision of this title or of the rules and regulations of the commission.

(c) **This subsection does not apply to the cancellation or termination of an agreement under IC 7.1-3-25.5-4.** It is unlawful for a beer wholesaler or a primary source of supply to cancel or terminate an agreement or contract between a beer wholesaler and a primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.

(d) A person who knowingly or intentionally violates subsection (b) or (c) commits a Class B misdemeanor.

(Reference is to ESB 175 as reprinted April 2, 2021.)

MESSMER	STEUERWALD
NIEZGODSKI	MOED
Senate Conferees	House Conferees

Roll Call 469: yeas 86, nays 4. Report adopted.

Representative Lindauer, who had been excused, is now present.

#### CONFERENCE COMMITTEE REPORT EHB 1421-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1421 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-6-3-3, AS AMENDED BY P.L.137-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. If the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation conducted to determine if a person is or has been engaged in a violation of IC 4-6-9, IC 4-6-10, IC 13-14-10, IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5, IC 13-30-8, IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7, IC 24-5-8, IC 24-9, IC 25-1-7, **IC 27-1-37-8**, IC 32-34-1, or any other statute enforced by the attorney general or is or has been engaged in a

criminal violation of IC 13, only the attorney general may issue in writing, and cause to be served upon the person or the person's representative or agent, an investigative demand that requires that the person served do any combination of the following:

- (1) Produce the documentary material for inspection and copying or reproduction.
- (2) Answer under oath and in writing written interrogatories.
- (3) Appear and testify under oath before the attorney general or the attorney general's duly authorized representative.

SECTION 2. IC 5-10-8-7, AS AMENDED BY P.L.217-2017, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The state, excluding state educational institutions, may not purchase or maintain a policy of group insurance, except:

- (1) life insurance for the state's employees;
- (2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees; or
- (3) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

- (1) require participation in the plan by employees with six (6) months of continuous, full-time service;
- (2) require an employee to make a contribution to the plan in the form of a payroll deduction;
- (3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;
- (4) prohibit the termination of an employee who is eligible for benefits under the plan;
- (5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;
- (6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:

- (A) Social Security;
- (B) the public employees' retirement fund;

- (C) the Indiana state teachers' retirement fund;
- (D) pension disability;
- (E) worker's compensation;
- (F) benefits provided from another employer's group plan; or
- (G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer this subdivision.);

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

- (A) accept work assignments appropriate to the employee's medical condition;
- (B) submit information necessary for claim administration; or
- (C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

(i) To carry out the purposes of this section, a trust fund may be established. The trust fund established under this subsection is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the trust fund established under this subsection by the state board of finance, the budget agency, or any other state agency. Money in a trust fund established under this subsection does not revert to the state general fund at the end of any state fiscal year. The trust fund established under this subsection consists of appropriations, revenues, or transfers to the trust fund under IC 4-12-1. Contributions to the trust fund are irrevocable. The trust fund must be limited to providing prefunding of annual required contributions and to cover OPEB liability for covered individuals. Funds may be used only for these purposes and not to increase benefits or reduce premiums. The trust fund shall be established to comply with and be administered in a manner that satisfies the Internal Revenue Code requirements concerning a trust fund for prefunding annual required contributions and for covering OPEB liability for covered individuals. All assets in the trust fund established under this subsection:

- (1) are dedicated exclusively to providing benefits to covered individuals and their beneficiaries according to the terms of the health plan; and
- (2) are exempt from levy, sale, garnishment, attachment, or other legal process.

The trust fund established under this subsection shall be administered by the state personnel department. The expenses of administering the trust fund shall be paid from money in the

trust fund. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the trust fund in the same manner as money may be invested by the public employees' retirement fund under IC 5-10.3-5. However, the trustee may not invest the money in the trust in equity securities. The trustee shall also comply with the prudent investor rule set forth in IC 30-4-3.5. The trustee may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the trust and may pay the state expenses incurred under those contracts from the trust. Interest that accrues from these investments shall be deposited in the trust fund.

**(j) Nothing in this section prohibits the state personnel department from directly contracting with health care providers for health care services for state employees.**

SECTION 3. IC 16-18-2-37.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 37.9. "Born alive", for purposes of IC 16-21-2-17, has the meaning set forth in IC 16-21-2-17(a).**

SECTION 4. IC 16-18-2-92.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 92.3. (a) "De-identified maximum negotiated charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(a).**

**(b) "De-identified minimum negotiated charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(b).**

SECTION 5. IC 16-18-2-96.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 96.1. "Discounted cash price", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(c).**

SECTION 6. IC 16-18-2-153.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 153.8. "Gross charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(d).**

SECTION 7. IC 16-18-2-194.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 194.7. "Item or service", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(e).**

SECTION 8. IC 16-18-2-272.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 272.5. "Payer-specific negotiated charge", for purposes of IC 16-21-17, has the meaning set forth in IC 16-21-17-0.3(f).**

SECTION 9. IC 16-18-2-337.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 337.5. "Standard charge", for purposes of IC 16-21-17 and IC 16-24.5-1, has the meaning set forth in IC 16-21-17-0.3(g).**

SECTION 10. IC 16-18-2-375.5 IS REPEALED [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]. **Sec. 375.5. "Weighted average negotiated charge", for purposes of IC 16-21-17 and IC 16-21-24.5, has the meaning set forth in IC 16-21-17-0.5.**

SECTION 11. IC 16-21-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a) As used in this section, "born alive" means the complete expulsion or extraction from the infant's mother, at any stage of development or gestational age, of an infant who after the**

**expulsion or extraction:**

- (1) breathes;**
- (2) has a beating heart or pulsation of the umbilical cord; or**
- (3) has a definite movement of voluntary muscles;**

**regardless of whether the umbilical cord has been cut or whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.**

**(b) If a woman who is in premature labor presents to a hospital, the hospital must inform the woman of the hospital's capabilities of treating the born alive infant and managing a high risk pregnancy. If the hospital does not have the capability to treat the premature born alive infant or the ability to manage a high risk pregnancy, the hospital must provide the woman options to get to a hospital with the appropriate level of care under the perinatal level of care designation established under IC 16-21-13.**

**(c) A hospital must provide:**

- (1) a medical screening examination; and**
- (2) any needed stabilizing treatment;**

**to an infant who is born alive, including born prematurely or with a disability, or a woman who is in premature labor.**

**(d) After a hospital has provided a medical screening examination under subsection (c)(1), the hospital must inform:**

- (1) a parent of the born alive infant of the:**

**(A) infant's treatment options; and**

**(B) hospital's determination of the appropriate level of care under the perinatal level of care designation established under IC 16-21-13; and**

- (2) the woman who is in premature labor of the:**

**(A) woman's treatment options; and**

**(B) hospital's determination of the appropriate level of care under the perinatal level of care designation established under IC 16-21-13.**

**(e) Subject to the requirements under the federal Emergency Medical Treatment and Labor Act, a hospital shall determine what perinatal level of care under IC 16-21-13 is appropriate for the born alive infant and mother and arrange for transport consistent with requirements adopted under IC 16-21-13-5.**

**(f) A hospital that violates this section is subject to the penalties under IC 16-21-3-1.**

**(g) A health care provider who is:**

- (1) licensed or certified under IC 25;**
- (2) employed or under contract with a hospital; and**
- (3) responsible for providing treatment or an examination to a born alive infant or woman with a high risk pregnancy under this chapter;**

**is subject to the standards of practice under IC 25-1-9. A health care provider who violates the standards of practice is subject to disciplinary sanctions under IC 25-1-9-9.**

SECTION 12. IC 16-21-17-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: **Sec. 0.3. (a) As used in this chapter,**

"de-identified maximum negotiated charge" means the highest charge that an ambulatory outpatient surgical center has negotiated with any third party payer for an item or service.

(b) As used in this chapter, "de-identified minimum negotiated charge" means the lowest charge that an ambulatory outpatient surgical center has negotiated with any third party payer for an item or service.

(c) As used in this chapter, "discounted cash price" means the charge that applies to an individual who pays cash or the cash equivalent for an ambulatory outpatient surgical center item or service.

(d) As used in this chapter, "gross charge" means the charge for an individual item or service that is reflected on an ambulatory outpatient surgical center's chargemaster, absent any discounts.

(e) As used in this chapter, "item or service" means any item or service, including service packages, that could be provided by an ambulatory outpatient surgical center to a patient for which the ambulatory outpatient surgical center has established a standard charge. The term includes the following:

- (1) Supplies.
- (2) Procedures.
- (3) Use of the facility and other facility fees.
- (4) Services of employed physicians and non-physician practitioners, including professional charges.
- (5) Anything that an ambulatory outpatient surgical center has established as a standard charge.

(f) As used in this chapter, "payer-specific negotiated charge" means the charge that an ambulatory outpatient surgical center has negotiated with a third party payer for an item or service.

(g) As used in this chapter, "standard charge" means the regular rate established by the ambulatory outpatient surgical center for an item or service provided to a specific group of paying patients. The term includes the following:

- (1) Gross charge.
- (2) Payer-specific negotiated charge.
- (3) De-identified minimum negotiated charge.
- (4) De-identified maximum negotiated charge.
- (5) Discounted cash price.

SECTION 13. IC 16-21-17-0.5 IS REPEALED [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]. Sec. 0-5. As used in this chapter, "weighted average negotiated charge" means the amount determined in STEP SIX of the following formula with respect to a particular procedure:

STEP ONE: For each insurer with whom the hospital or an ambulatory outpatient surgical center negotiates a charge for a particular procedure, determine the percentage of the hospital's patients or the ambulatory outpatient surgical center's patients insured by the insurer in the previous calendar year rounded to a whole percentage.

STEP TWO: Multiply each percentage determined under STEP ONE by one hundred (100) and express the results as whole numbers so that the sum of the percentage points determined under STEP ONE is one hundred (100).

STEP THREE: For a particular procedure, determine the amount of the negotiated charge for the procedure for each insurer described in STEP ONE.

STEP FOUR: For each insurer described in STEP ONE, multiply the STEP THREE amount determined for a particular procedure by the

result determined under STEP TWO for that insurer.

STEP FIVE: For a particular procedure, determine the sum of the amounts determined under STEP FOUR for all of the insurers described in STEP ONE with respect to that procedure.

STEP SIX: For a particular procedure, determine the quotient of:

- (A) the sum determined under STEP FIVE for that procedure, divided by
- (B) one hundred (100).

SECTION 14. IC 16-21-17-1, AS AMENDED BY P.L.93-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 1. (a) Not later than ~~March 31, 2021~~, a hospital and **December 31, 2021**, an ambulatory outpatient surgical center shall post on the Internet web site of the ~~hospital~~ or ambulatory outpatient surgical center pricing and other information specified in this chapter for the following:

(1) For as many of the seventy (70) shoppable services specified in the final rule of the Centers for Medicare and Medicaid Services published in 84 FR 65524 that are provided by the ~~hospital~~ or ambulatory outpatient surgical center.

(2) In addition to the services specified in subdivision (1):

(A) the thirty (30) most common services that are provided by the ~~hospital~~ or ambulatory outpatient surgical center not included in subdivision (1); or

(B) if the ambulatory outpatient surgical center offers less than thirty (30) services not included under subdivision (1), all of the services provided by the ambulatory outpatient surgical center.

(b) The following information, to the extent applicable, must be included on the Internet web site by a ~~hospital~~ and an ambulatory outpatient surgical center for the shoppable and common services described in subsection (a):

(1) A description of the shoppable and common service.

(2) The ~~weighted average negotiated standard charge per item or service per provider type~~ for each of the following categories:

(A) Any nongovernment sponsored health benefit plan or insurance plan provided by a health carrier in which the provider is in the network.

(B) Medicare, including fee for service and Medicare Advantage.

(C) Self-pay without charitable assistance from the ~~hospital~~ or ambulatory outpatient surgical center.

(D) Self-pay with charitable assistance from the ~~hospital~~ or ambulatory outpatient surgical center.

(E) Medicaid, including fee for service and risk based managed care.

(c) If:

(1) the federal Hospital Price Transparency Rule is repealed; or

(2) federal enforcement of the federal Hospital Price Transparency Rule is stopped;

the state health commissioner shall notify the legislative council of the occurrence referred to in subdivision (1) or (2) in an electronic format under IC 5-14-6.

(d) This subsection takes effect when the legislative council receives a notification from the state health commissioner under subsection (c). A hospital shall post pricing information in compliance with the federal Hospital Price Transparency Rule of the federal Centers for Medicare and Medicaid Services as published at 84 FR 65524 and in effect on January 1, 2021.

SECTION 15. IC 16-24.5-1-2, AS AMENDED BY P.L.93-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 2. (a) Not later than March 31, 2021, an urgent care facility shall post on the Internet web site of the urgent care facility pricing and other information specified in this chapter for the fifteen (15) most common services that are provided by the urgent care facility.

(b) The following information, to the extent applicable, must be included on the Internet web site by an urgent care facility for the fifteen (15) most common services described in subsection (a):

(1) The number of times each service is provided by the urgent care facility.

(2) A description of the service.

(3) The ~~weighted average negotiated standard~~ charge per item or service per provider type for each of the following categories:

(A) Any nongovernment sponsored health benefit plan or insurance provided by a health carrier in which the provider is in the network.

(B) Medicare, including fee for service and Medicare Advantage.

(C) Self-pay without charitable assistance from the urgent care facility.

(D) Self-pay with charitable assistance from the urgent care facility.

(E) Medicaid, including fee for service and risk based managed care.

SECTION 16. IC 27-1-37-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.2. As used in this chapter, "affiliate" means any person who, directly or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with, the person to whom affiliation is attributed.

SECTION 17. IC 27-1-37-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. (a) As used in this chapter, "health carrier" means an entity:

(1) that is subject to IC 27 and the administrative rules adopted under IC 27; and

(2) that enters into a contract to:

(A) provide health care

services;

(B) deliver health care services;

(C) arrange for health care services; or

(D) pay for or reimburse any of the costs of health care services.

(b) The term includes the following:

(1) An insurer, as defined in IC 27-1-2-3(x), that issues a policy of accident and sickness insurance, as defined in IC 27-8-5-1(a).

(2) A health maintenance organization, as defined in IC 27-13-1-19.

(3) An administrator (as defined in IC 27-1-25-1(a)) that is licensed under IC 27-1-25.

(4) A state employee health plan offered under IC 5-10-8.

(5) A short term insurance plan (as defined by IC 27-8-5-9-3).

(6) Any other entity that provides a plan of health insurance, health benefits, or health care services.

(c) The term does not include:

(1) an insurer that issues a policy of accident and sickness insurance;

(2) a limited service health maintenance organization (as defined in IC 27-13-34-4); or

(3) an administrator;

that only provides coverage for, or processes claims for, dental or vision care services.

SECTION 18. IC 27-1-37-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. As used in this chapter, "health provider contract" means an agreement with a provider or a health provider facility relating to terms and conditions of reimbursement for health care services provided to an individual under:

(1) an employee welfare benefit plan (as defined in 29 U.S.C. 1002 et seq.);

(2) a policy of accident and sickness insurance (as defined in IC 27-8-5-1);

(3) a contract with a health maintenance organization;

(4) a self-insurance program established under IC 5-10-8-7(b); or

(5) a prepaid health care delivery plan entered into under IC 5-10-8-7(c).

SECTION 19. IC 27-1-37-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.2. As used in this chapter, "health provider facility" means any of the following:

(1) A hospital, as defined in IC 16-18-2-179(a).

(2) A hospital system.

(3) An affiliate of a hospital or hospital system.

SECTION 20. IC 27-1-37-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. As used in this chapter, "hospital system" means:

(1) a parent corporation of at least one (1) hospital and any entity affiliated with the parent corporation through ownership, governance, or membership; or

(2) a hospital and any entity affiliated with the hospital through ownership, governance, or membership.

SECTION 21. IC 27-1-37-7, AS AMENDED BY



P.L.93-2020, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section applies to health provider contracts entered into or renewed after June 30, 2020.

(b) A health provider contract, including a contract with a pharmacy benefit manager or a health facility, may not contain a provision that prohibits the disclosure of health care service claims data to:

- (1) employers providing the coverage; or
- (2) **beginning July 1, 2021, another person for use in the all payer claims data base established by IC 27-1-44.5.**

However, any disclosure of claims data must comply with health privacy laws, including the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191).

(c) A violation of this section constitutes an unfair or deceptive act or practice in the business of insurance under IC 27-4-1-4.

SECTION 22. IC 27-1-37-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) **This section applies to a health provider contract entered into, amended, or renewed after June 30, 2021.**

(b) A health provider contract, including a contract with a pharmacy benefit manager, may not contain a provision that does any of the following:

- (1) Limits the ability of either the health carrier or the health provider facility to disclose the allowed amount and fees of services to any insured (as defined in IC 27-8-5.8-3) or enrollee (as defined in IC 27-13-1-12), or to the treating health provider facility or physician of the insured or enrollee.
- (2) Limits the ability of either the health carrier or the health provider facility to disclose out-of-pocket costs to an insured (as defined in IC 27-8-5.8-3) or an enrollee (as defined in IC 27-13-1-12).

(c) Any provision of a health provider contract that includes a provision described in subsection (b) in violation of this section is severable and the provision in violation is null and void. The remaining provisions of the health provider contract, excluding the provision in violation of this section, remain in effect and are enforceable.

(d) The attorney general may issue a civil investigative demand to obtain information from a party of, or pertaining to, a health provider contract and compliance of this section.

SECTION 23. [EFFECTIVE UPON PASSAGE] (a) **Before September 1, 2021, the department of insurance shall issue a report to:**

- (1) the legislative council; and
- (2) the interim study committees on:
  - (A) financial institutions and insurance; and
  - (B) public health, behavioral health, and human services;

**established by IC 2-5-1.3-4;**

**setting forth suggestions for revising the rules adopted under IC 27-1-34-9 to reduce the regulatory costs incurred by employers seeking to provide health coverage for their employees through multiple employer welfare arrangements. The report must be submitted in an electronic format under IC 5-14-6.**

**(b) This SECTION expires January 1, 2022.**

SECTION 24. **An emergency is declared for this act.**

(Reference is to EHB 1421 as reprinted March 31, 2021.)

SCHAIBLEY	L. BROWN
AUSTIN	GASKILL
House Conferees	Senate Conferees

Roll Call 470: yeas 91, nays 0. Report adopted.

#### CONFERENCE COMMITTEE REPORT EHB 1030-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1030 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-8-1-35, AS AMENDED BY P.L.84-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 35. (a) When an accusation in writing, verified by the oath of any person **or in resolutions adopted by a county executive and county fiscal body in accordance with IC 36-2-8.7**, is presented to a circuit court, superior court, or probate court, alleging that any officer within the jurisdiction of the court has been guilty of:

- (1) charging and collecting illegal fees for services rendered or to be rendered in the officer's office;
- (2) refusing or neglecting to perform the official duties pertaining to the officer's office; or
- (3) **in the case of a county officer (as defined in IC 36-2-8.7-1), failing to be physically present in the county officer's office in violation of IC 36-2-8.7-7; or**
- ~~(3)~~ (4) violating IC 36-6-4-17(b) if the officer is the executive of a township;

the court must cite the party charged to appear before the court at any time not more than ten (10) nor less than five (5) days from the time the accusation was presented, and on that day or some other subsequent day not more than twenty (20) days from the time the accusation was presented must proceed to hear, in a summary manner, the accusation and evidence offered in support of the same, and the answer and evidence offered by the party accused.

(b) If after the hearing under subsection (a) it appears that the charge is sustained, the court must do the following:

- (1) Enter a decree that the party accused be deprived of the party's office.
- (2) Enter a judgment as follows:

(A) For five hundred dollars (\$500) in favor of the prosecuting officer.

(B) For costs as are allowed in civil cases.

(C) For the amount of money that was paid to the officer in compensation from the day when the accusation was filed under this section to the day when judgment is entered in favor of the public entity paying the compensation to the officer.

(c) In an action under this section, a court may award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the accused officer if:

- (1) the officer prevails; and
- (2) the court finds that the accusation is frivolous or vexatious.

SECTION 2. IC 36-2-8.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 8.7. Initiation of Action for Removal of County Officer**

**Sec. 1.** As used in this chapter, "county officer" refers to any of the following:

- (1) A county auditor.
- (2) A county treasurer.
- (3) A county recorder.
- (4) A county surveyor.
- (5) A county assessor.

**Sec. 2. (a)** The county executive may initiate the process of petitioning a court to remove a county officer from office under IC 5-8-1-35 by adopting a resolution in accordance with this section.

**(b)** At least one (1) public hearing must be held by the county executive on the resolution at least ten (10) business days before the resolution is adopted. The resolution must contain a concise statement of the underlying basic facts that support the county executive's finding that the county officer committed a violation described in:

- (1) section 7 of this chapter;
- (2) IC 5-8-1-35(a)(1); or
- (3) IC 5-8-1-35 (a)(2).

**Sec. 3. In the case of a county that:**

- (1) has a consolidated city, the resolution must be adopted by the county executive; or
- (2) does not have a consolidated city, the resolution must be adopted by an affirmative vote of at least a majority of all members of the county executive.

**Sec. 4. The county executive shall certify the resolution to:**

- (1) the county fiscal body;
- (2) the county officer; and
- (3) the clerk of the court in which the action is filed under IC 5-8-1-35;

not later than ten (10) days after the date the resolution is adopted.

**Sec. 5.** Upon receiving a resolution certified by the county executive under section 4 of this chapter, the county fiscal body may adopt a resolution to initiate the process of petitioning a court to remove a county officer from office under IC 5-8-1-35.

**Sec. 6. (a)** At least one (1) public hearing must be held by the county fiscal body on the resolution at least ten (10) business days before the resolution is adopted. The resolution must contain a concise statement of the underlying basic facts that support the county fiscal body's finding that the county officer committed a violation described in IC 5-8-1-35(a)(1), IC 5-8-1-35(a)(2), or section 7 of this chapter. The finding and statement of underlying basic facts supporting the finding must be identical to those in the resolution adopted by the county executive.

**(b)** The resolution must be adopted by an affirmative vote of at least:

- (1) five (5) members, in the case of a county fiscal body under IC 36-2-3-2(a);
- (2) seven (7) members, in the case of a county fiscal body under IC 36-2-3-2(b); or
- (3) seventeen (17) members, in the case of a county fiscal body of a county that has a consolidated city under IC 36-3-4-2.

**(c)** The county fiscal body shall certify the resolution to:

- (1) the county executive;
- (2) the county officer; and
- (3) the clerk of the court in which the action is filed under IC 5-8-1-35;

not later than ten (10) days after the resolution is adopted,  
**Sec. 7. (a)** A county officer must be physically present in the county officer's office during regular office hours for a reasonable amount of time each month during the county officer's term of office.

**(b)** A county officer may be removed from office by the court under IC 5-8-1-35, if the county officer is in violation of this section during one (1) or more months of the county officer's term. However, it is a defense to any action brought under IC 5-8-1-35 asserting a violation of this section, that the county officer's failure to be physically present in the county officer's office was due to:

- (1) the serious illness of the county officer or the county officer's spouse, parent, child, or stepchild; or
- (2) military service of the county officer.

The defense is available in any action brought under IC 5-8-1-35 regardless of whether the action is brought by a person or upon resolutions adopted by the county executive or fiscal body under this chapter.

**(c)** A county officer:

- (1) does not violate this section; and
- (2) may not be removed from office under IC 5-8-1-35;

for being physically absent from the county officer's office during any month in which a declaration of a local disaster emergency under IC 10-14-3-29 is in effect for at least one (1) work day in the county or in the municipality in which the county officer's office is located.

(Reference is to EHB 1030 as printed March 19, 2021.)

AYLESWORTH	NIEMEYER
JACKSON	LANANE
House Conferees	Senate Conferees

Roll Call 471: yeas 89, nays 3. Report adopted.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

Representatives T. Brown and Huston, who had been present, are now excused.

Representative Eberhart, who had been excused, is now present.

**MOTIONS TO CONCUR  
IN SENATE AMENDMENTS**

**HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1164.

MANNING

**HOUSE MOTION**

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of Engrossed House Bill 1164. Pursuant to House Rule 46, the reason for the request is the following:

I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on the income to my company dealing in fiber optic cable.

FRYE

Motion prevailed.

Roll Call 472: yeas 56, nays 35. Motion prevailed.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 4:29 p.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 473: 85 present. The Speaker declared a quorum present.

**HOUSE MOTION**

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 21, 2021, at 9:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

**RESOLUTIONS ON FIRST READING****House Resolution 60**

Representative Jacob introduced House Resolution 60:

A HOUSE RESOLUTION honoring Ray Skillman.

*Whereas, Ray Skillman has built a vast car dealership business that spans eight brands and thousands of vehicles across 10 different locations in Indiana;*

*Whereas, The Ray Skillman Auto Group has grown into one of the largest car dealership businesses in Indiana, including Classic Cars, a collector-car sales and service group;*

*Whereas, Ray's passion for cars began when he was a child and grew up around racing and the special events held at local car dealerships that unveiled new car models each year;*

*Whereas, Ray bought his first car, a 1950 Ford Businessman Coupe, at the age of 16;*

*Whereas, Ray opened his first used-car lot in his hometown of Owensboro, Kentucky, and successfully ran Skillman Auto Sales from 1960 to 1979 before relocating to Indianapolis;*

*Whereas, Ray became a partner in Stuart-Skillman Oldsmobile and soon added the GMC and Mitsubishi franchises;*

*Whereas, Ray took full ownership of the dealership five years later upon Charlie Stuart's retirement;*

*Whereas, The Ray Skillman Auto Group employs an estimated 1,100 employees today;*

*Whereas, Ray Skillman's dealerships have received multiple awards, including: Ford's President's Award, 2012-2015; DealerRater's Consumer Satisfaction Award, 2016; Hyundai Dealer of the Year, 2014 and 2016; Mitsubishi and Kia Dealer of the Year, 2016; Buick and GMC Dealer of the Year, 2013 and 2014; and the top Roush Dealer by Volume, 2010-2014;*

*Whereas, Ray has cultivated deep ties in his community including work with Center Grove High School, the University of Indianapolis, Perry Meridian High School, Franklin Central High School, and little league teams across the state;*

*Whereas, Ray personally matches the donations provided by company employees to the Clothe-A-Child program. This program provides clothes, shoes, and toys for children each year, and Ray and his staff donated items for 1,500 local children in 2019;*

*Whereas, Ray's passion for cars and his vision in the automobile industry built a thriving business in Indiana that continues to positively affect Hoosiers everyday; and*

*Whereas, Ray received the Sagamore of the Wabash from Governor Eric Holcomb in 2020 for his many contributions in*

*his community and the state of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors Ray Skillman for his many contributions in his community and the state of Indiana.

SECTION 2. That the Indiana House of Representatives congratulates Ray Skillman as a recipient of the Sagamore of the Wabash award.

SECTION 3. That the Principal Clerk of the Indiana House of Representatives shall transmit copies of this resolution to the office of State Representative John Jacob for distribution.

The resolution was read a first time and adopted by voice vote.

**ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS****COMMITTEE REPORT**

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

EHB: 1125, 1190 and 1514

ESB: 336

LEONARD, Chair

Report adopted.

**HOUSE MOTION**

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 19, 2021, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

EHB: 1125, 1190 and 1514

ESB: 336

LEONARD, Chair

Motion prevailed.

Representatives Baird, Barrett, M. Bauer, Eberhart and Mayfield, who had been present, are now excused.

Representative Behning, who had been excused, is now present.

**CONFERENCE COMMITTEE REPORT****EHB 1125-1**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1125 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-5-26.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 26.5. Deceptive Lead Generation**

Sec. 1. As used in this chapter, "commercial communication" means any written or oral statement, illustration, or depiction, whether in English or another language, that is designed to create interest in procuring legal services, whether it appears on or in a label, package, package insert, radio, television, brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, free standing insert, letter, catalog, poster, chart, billboard, public transit card, point of purchase display, film slide, audio program transmitted over a telephone system, telemarketing script, on-hold script, upsell script, training materials provided to a telemarketing firm, program length commercial, the Internet, cellular network, or any other medium, as well as promotional materials, items, and Internet web sites.

Sec. 2. As used in this chapter, "consumer" refers to an individual who views a commercial communication for personal or familial purposes.

Sec. 3. As used in this chapter, "lead generation" refers to the use of commercial communication to initiate consumer interest or inquiry into legal services provided in Indiana or another jurisdiction to redress an alleged injury from a medical device or legend drug.

Sec. 4. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199.

Sec. 5. As used in this chapter, "manufacturer" means either of the following:

(1) A person that is engaged in a business to produce, create, make, or construct any product or component of a product, and that:

- (A) designs, manufactures, or formulates; or
- (B) engages another person to design, manufacture, or formulate;

a medical device or component or part of a medical device.

(2) A person that, by compounding, cultivating, harvesting, or mixing, or by another process produces or prepares legend drugs. The term includes a person that:

- (A) prepares legend drugs in dosage forms by mixing, compounding, encapsulating, or by entableting, or by another process; or
- (B) packages or repackages legend drugs.

The term does not include a pharmacist or a practitioner (as defined in IC 16-42-19-5).

Sec. 6. As used in this chapter, "medical device" refers to an instrument, an apparatus, an implement, a machine, a contrivance, an implant, an in vitro reagent, or another similar or related article, including a component part or accessory:

- (1) that is recognized in the official National Formulary or the United States Pharmacopoeia, or any supplement to them;
- (2) that is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in a human being or an animal; or
- (3) that:

- (A) is intended to affect the structure or any function of the body of a human being or an

animal;  
(B) does not achieve its primary intended purpose through chemical action within or on the body of a human being or an animal; and  
(C) is not dependent upon being metabolized for the achievement of its primary intended purpose.

Sec. 7. As used in this chapter, "seller" means a person that, in the course of business conducted for that purpose, does either of the following:

- (1) Sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a medical device or legend drug into the stream of commerce.
- (2) Installs, repairs, refurbishes, reconditions, or maintains a medical device.

Sec. 8. As used in this chapter, "sponsor" means a person on whose behalf a commercial communication is conducted to promote or advertise legal services.

Sec. 9. (a) It is a deceptive act for a person to engage in lead generation that is false, deceptive, or misleading.

(b) Deceptive acts under this chapter may include lead generation that contains the following:

- (1) Advertisements or other commercial communications that cause, or are likely to cause, consumers to:

- (A) fail to use or to discontinue the consumers' medications; or
- (B) remove a medical device;

without appropriate medical advice from a person who is independent from the lead generator and any person to whom the consumer would be referred.

(2) Advertisements or other commercial communications that open with sensationalized warnings or alerts that may mislead consumers to believe the consumers are watching a government sanctioned medical alert, health alert, consumer alert, or public service announcement.

(3) Advertisements or other commercial communications that:

- (A) misrepresent the risks or benefits associated with a medical device or legend drug that is the subject of the lead generation advertisement or other commercial communication;
- (B) leave consumers with the false impression that the risks of the medical device or legend drug exceed the benefits; or
- (C) leave consumers with the false impression that the United States Food and Drug Administration has recalled a medical device or legend drug that is the

subject of the advertisement or other commercial communication.

(c) A claim misrepresents a fact or is false if the claim is not substantiated by:

- (1) competent and reliable scientific or medical evidence; or
- (2) a final adjudication on the merits, including appeals.

Sec. 10. It is a deceptive act for a person engaged in lead generation to fail to make the following written and oral disclosures to a consumer who responds to an advertisement or other commercial communication subject to this chapter:

(1) Disclosures:

(A) that a case will be referred to another attorney or law firm to represent a consumer responding to the advertisement or other commercial communication;

(B) that identify the attorney or law firm that will represent a consumer responding to the advertisement or other commercial communication, if known; and

(C) that identify the sponsor of the advertisement or other commercial communication.

(2) Any other disclosure required under the rules adopted by the attorney general under section 13 of this chapter that the attorney general determines is necessary to permit a consumer to make an informed consent to a referral.

Sec. 11. Regardless of whether a client consumer enters into an agreement, it is a deceptive act for a person engaged in lead generation to engage in other conduct that creates a significant risk that a lawyer's ability to consider, recommend, or carry out an appropriate course of action for a client consumer will be materially limited.

Sec. 12. The provisions set forth in this chapter also apply to deceptive acts by a lawyer referral service that receives any benefit or consideration for the direct or indirect referral of prospective clients to lawyers or law firms.

Sec. 13. The attorney general may adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to carry out this chapter. An emergency rule adopted by the attorney general under this section expires on the earlier of the following dates:

- (1) The expiration date in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.

Sec. 14. (a) A manufacturer or seller of medical devices or legend drugs or a consumer may bring an action against any combination of persons that authorize, finance, sponsor, participate in, or otherwise benefit from a deceptive act under this chapter. In the action the court may do any combination of the following:

- (1) Issue an injunction.
- (2) Order the person engaged in lead generation to reimburse money unlawfully

received by any person from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers, void or limit the application of contracts or clauses resulting from deceptive acts, and order other restitution as the court determines appropriate.

(b) A manufacturer, seller, or consumer that commences an action under this section shall serve the attorney general with a copy of the complaint. The attorney general may join an action under this section commenced by the manufacturer, seller, or consumer.

Sec. 15. A court with jurisdiction over an action under section 14 of this chapter may order the violator to pay court costs and reasonable litigation fees incurred.

Sec. 16. An action brought under this chapter for a deceptive act may not be brought more than two (2) years after the occurrence of the deceptive act.

Sec. 17. (a) Nothing in this chapter limits or otherwise affects the authority of the supreme court to regulate the practice of law, establish and enforce rules of professional conduct for attorneys, law firms, and legal referral services, or discipline individuals admitted to the practice of law in Indiana.

(b) This chapter does not apply to attorneys licensed to practice law in the state of Indiana.

(c) Subsection (b) does not prohibit an injunction against a deceptive act.

(Reference is to EHB 1125 as printed March 19, 2021.)

LEHMAN	L. BROWN
HATFIELD	GASKILL
House Conferees	Senate Conferees

Roll Call 474: yeas 90, nays 0. Report adopted.

Representative Mayfield, who had been excused, is now present.

#### CONFERENCE COMMITTEE REPORT EHB 1514-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1514 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-24-2.2-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 2: (a) The minimum standard for renewal and the standard to avoid closure imposed by authorizers on a charter school is a requirement that the charter school not remain in the lowest category or designation of school improvement, including any alternative accountability category or designation, in the third year after initial placement in the lowest category or designation established under IC 20-31-8-4.

(b) An authorizer of a charter school that does not meet the minimum standard for charter school renewal described in subsection (a) may petition the state board at any time to request permission to renew the charter school's charter notwithstanding the fact that the charter school does not meet the minimum standard. If timely notification is made, the state board shall hold a hearing under section 2-5 of this chapter to consider the authorizer's request at the state board's next regularly scheduled board meeting.

(c) In determining whether to grant a request under subsection (b), the state board shall consider the following:

(1) Enrollment of students with special challenges; such as drug or alcohol addiction; prior withdrawal from school; prior incarceration; or other special circumstances.

(2) High mobility of the student population resulting from the specific purpose of the charter school.

(3) Annual improvement in the performance of students enrolled in the charter school; as measured under IC 20-31-8; compared with the performance of students enrolled in the charter school in the immediately preceding school year.

SECTION 2. IC 20-24-2.2-5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 2.5: (a) If the state board grants a petition request under section 2 of this chapter, the state board shall:

(1) hold a hearing; and

(2) implement one (1) or more of the following actions:

(A) Require the implementation of a charter school improvement plan.

(B) Order the reduction of any administrative fee collected under IC 20-24-7-4 that is applicable to the charter school. The reduction must become effective at the beginning of the month following the month of the authorizer's hearing before the state board.

(C) Prohibit or limit the enrollment of new students in the charter school.

(D) Cancel the charter between the authorizer and organizer.

(E) Order the closure of the charter school at the end of the current school year.

A charter school that is closed by the state board under this section may not be granted a charter by any authorizer.

(b) In determining which action to implement under subsection (a)(2), the state board shall consider the following:

(1) Enrollment of students with special challenges; such as drug or alcohol addiction; prior withdrawal from school; prior incarceration; or other special circumstances.

(2) High mobility of the student population resulting from the specific purpose of the charter school.

(3) Annual improvement in the performance of students enrolled in the charter school; as measured by IC 20-31-8-1; compared with the performance of students enrolled in the charter school in the immediately preceding school year.

SECTION 3. IC 20-24-2.2-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: If any authorizer renews the charter of; fails to close; or grants a new charter to a charter school that the state board has ordered closed under section 2.5 of this chapter; the authorizer's authority to authorize new charter schools may be suspended by the state board until such a time as the state board formally approves the authorizer to authorize new charter schools. A determination under this section to suspend an authorizer's authority to authorize new charter schools must identify the deficiencies that, if corrected, will result in the approval of the authorizer to authorize new charter schools.

SECTION 4. IC 20-24-2.2-6 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 6: (a) If deficiencies identified under section 4 of this chapter are not corrected within two (2) years after the date the state board suspends the authorizer's authority to authorize new charter schools in a final order under section 4 of this chapter; the state board, following an affirmative vote of two-thirds (2/3) of the members; may revoke the authorizer's authority to function as an authorizer. The state board shall take all necessary steps to decommission the authorizer, including overseeing the orderly winding up of authorization activities or responsibilities; and ensuring the transfer of any charter school records or administrative fees due under IC 20-24-7-4 in the authorizer's custody.

(b) Charter schools authorized by an authorizer that has been decommissioned under subsection (a) must apply to be approved by another authorizer within one hundred fifty (150) days after the date the state board revokes the authorizer's authority to function as an authorizer; regardless of whether the state board has begun the process of winding up authorization activities of the authorizer. A charter school that is not approved under this subsection must close at the end of the charter school's current school year containing the date in which the charter school's application under this subsection is disapproved. A charter school that is closed by the state board under section 2.5 of this chapter may not be approved by another authorizer under this subsection.

SECTION 5. IC 20-24-4-1, AS AMENDED BY P.L.211-2019, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by an authorizer and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Subject to ~~subdivisions~~ **subdivision** (6)(E), and ~~(17)~~; be granted for:

(A) not less than three (3) years or more than seven (7) years; and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the authorizer and the organizer agree to renew the charter.

(C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.

- (D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:
- (i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
  - (ii) describe improvements undertaken or planned for the charter school; and
  - (iii) detail the charter school's plans for the next charter term.
- (E) Not later than the end of the calendar year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal shall submit a renewal application to the charter authorizer under the renewal application guidance issued by the authorizer. The authorizer shall make a final ruling on the renewal application not later than April 1 after the filing of the renewal application. A renewal granted under this clause is not subject to the three (3) year minimum described in subdivision (5). The April 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.
- (7) Specify the grounds for the authorizer to:
- (A) revoke the charter before the end of the term for which the charter is granted; or
  - (B) not renew a charter.
- (8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:
- (A) Evidence of improvement in:
    - (i) assessment measures, including the statewide assessment program measures;
    - (ii) attendance rates;
    - (iii) graduation rates (if appropriate);
    - (iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);
    - (v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);
    - (vi) student academic growth;
    - (vii) financial performance and stability; and
    - (viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.
  - (B) Evidence of progress toward reaching the educational goals set by the organizer.
- (9) Describe the method to be used to monitor the charter school's:
- (A) compliance with applicable law; and
  - (B) performance in meeting targeted educational performance.
- (10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.
- (11) Describe specific operating requirements, including all the matters set forth in the application for the charter.
- (12) Specify a date when the charter school will:
- (A) begin school operations; and
  - (B) have students attending the charter school.
- (13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.
- (14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.
- (15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.
- (16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:
- (A) that the school will

offer flexible scheduling;  
 (B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;  
 (C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3 (expired); and  
 (D) a plan:  
 (i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and  
 (ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

(17) This subdivision applies to a charter between an authorizer and an organizer of a charter school granted or renewed after June 30, 2019. The charter must require that:

(A) a charter school comply with actions implemented by the state board under IC 20-24-2.2-2.5; and  
 (B) if the state board implements closure of the charter school under IC 20-24-2.2-2.5, the charter is revoked at the time the charter school closes.

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.

SECTION 6. IC 20-25-10-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The board shall modify, develop, and implement a plan for the improvement of student achievement in the schools in the school city.

(b) A plan modified, developed, and implemented under this chapter must be consistent with this article and with IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~; and IC 20-31-10.

SECTION 7. IC 20-25-10-3, AS AMENDED BY P.L.1-2006, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The board shall:

- (1) modify, develop, and publish the plan required under this chapter; and
- (2) implement the modified plan;

in compliance with the timelines of IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10.

SECTION 8. IC 20-25-10-5, AS AMENDED BY

P.L.233-2015, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The board shall annually assess and evaluate educational programs offered by the school city to determine:

- (1) the relationship of the programs to improved student achievement; and
- (2) the educational value of the programs in relation to cost.

(b) The board may obtain information from:

- (1) educators in the schools offering a program;
- (2) students participating in a program; and
- (3) the parents of students participating in a program;

in preparing an assessment and evaluation under this section. The assessment must include the performance of the school's students in achieving student performance improvement levels under IC 20-31-1, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, IC 20-31-10, and IC 20-25-11.

SECTION 9. IC 20-25-11-1, AS AMENDED BY P.L.244-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The board shall establish annual student performance improvement levels for each school that are not less rigorous than the student performance improvement levels under IC 20-31-1, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10, including the following:

(1) For students:

- (A) improvement in results on assessment tests and assessment programs;
- (B) improvement in attendance rates; and
- (C) improvement in progress toward graduation.

(2) For teachers:

- (A) improvement in student results on assessment tests and assessment programs;
- (B) improvement in the number and percentage of students achieving:
  - (i) state achievement standards; and
  - (ii) if applicable, performance levels set by the board;
- (C) improvement in student progress toward graduation;
- (D) improvement in student attendance rates for the school year;
- (E) improvement in individual teacher attendance rates;
- (F) improvement in:
  - (i) communication with parents; and
  - (ii) parental involvement in classroom and extracurricular activities; and
- (G) other objectives developed by the board.

(3) For the school and school administrators:

- (A) improvement in student results on



assessment tests, totaled by class and grade;  
 (B) improvement in the number and percentage of students achieving:  
 (i) state achievement standards; and  
 (ii) if applicable, performance levels set by the board;  
 on assessment tests, totaled by class and grade;  
 (C) improvement in:  
 (i) student graduation rates; and  
 (ii) progress toward graduation;  
 (D) improvement in student attendance rates;  
 (E) management of:  
 (i) education fund expenditures;  
 (ii) operations fund expenditures; and  
 (iii) total expenditures; per student;  
 (F) improvement in teacher attendance rates; and  
 (G) other objectives developed by the board.

SECTION 10. IC 20-25-12-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10 apply to the school city. The composition of a local school improvement committee is determined under IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10.

(b) The plan developed and implemented by the board under IC 20-25-10 must contain general guidelines for decisions by the educators in each school to improve student achievement in the school.

(c) The board's plan shall provide for the publication to other schools in the school city and to the general community those:

- (1) processes;
- (2) innovations; and
- (3) approaches;

that have led individual schools to significant improvement in student achievement.

SECTION 11. IC 20-25-13-7, AS AMENDED BY P.L.1-2006, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. IC 20-28-6-4 and IC 20-28-6-5 apply to certificated employees in the school city. A teacher's students' performance improvement levels under the assessment tests and programs of IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, ~~IC 20-31-9~~, and IC 20-31-10 may be used as a factor, but not the only factor, to evaluate the performance of a teacher in the school city.

SECTION 12. IC 20-25-15-1, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. ~~In addition to the consequences of IC 20-31-9~~, The board shall place a school in the school city in academic receivership if the school fails for any two (2) consecutive school years to meet student performance improvement levels.

SECTION 13. IC 20-25-15-3, AS ADDED BY P.L.1-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) If a school is placed in academic receivership, the superintendent and the board must

take action to raise the school's level of performance.

(b) ~~In addition to the consequences of IC 20-31-9~~, The actions that the superintendent and the board may take to raise the performance of a school in academic receivership include the following:

- (1) Shifting resources of the school city to the school.
- (2) Changing or removing:
  - (A) the school principal;
  - (B) teachers;
  - (C) administrators; or
  - (D) other staff.
- (3) Establishing a new educational plan for the school.
- (4) Requiring the superintendent or another school city appointee to administer the school until the academic receivership status of the school is removed.
- (5) Contracting with a:
  - (A) for-profit organization;
  - (B) nonprofit organization; or
  - (C) individual;

to manage the school.

(6) Closing the school.

(7) Any other management, personnel, or policy changes that the superintendent and board expect in the following school year to:

- (A) raise the performance of the school; and
- (B) avoid continuing academic receivership status for the school.

(c) If this chapter is inconsistent with any other law relating to:

- (1) education;
- (2) teachers; or
- (3) common schools;

this chapter governs.

SECTION 14. IC 20-25.7-5-5, AS AMENDED BY P.L.155-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) IC 20-24-5-5 (with the exception of IC 20-24-5-5(f)) does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school.

(b) Except as provided in subsections (c) and (d), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school may limit new admissions to the participating innovation network charter school to:

- (1) ensure that any student with legal settlement in the attendance area, or in the school corporation if the school does not have a defined attendance area, may attend the charter school;
- (2) ensure that a student who attends the participating innovation network charter school during a school year may continue to attend the charter school in subsequent years;
- (3) allow the siblings of a student alumnus or a current student who attends the participating innovation network charter school to attend the charter school;
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at the

participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities;

(5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the charter and is approved by the authorizer; and

(6) allow each student who attended a turnaround academy under IC 20-31-9.5 or attends a school that is located in the same school building as the participating innovation network charter school to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the participating innovation network charter school's charter and is approved by the authorizer of the participating innovation network charter school.

(d) A participating innovation network charter school with a curriculum that includes study in a foreign country may deny admission to a student if:

(1) the student:

(A) has completed fewer than twenty-two (22) academic credits required for graduation; and

(B) will be in the grade 11 cohort during the school year in which the student seeks to enroll in the participating innovation network charter school; or

(2) the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months immediately preceding the student's application for enrollment for:

(A) ten (10) or more school days;

(B) a violation under IC 20-33-8-16;

(C) causing physical injury to a student, a school employee, or a visitor to the school; or

(D) a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (2)(A), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B) through (2)(D) must be included in the calculation of the number of school days that a student has been suspended.

(e) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation charter school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(f) This subsection applies to an existing charter school that enters into an innovation network agreement with the board.

During the charter school's first year of operation as a participating innovation network charter school, the charter school may limit admission to:

(1) those students who were enrolled in the charter school on the date it entered into the innovation network agreement; and

(2) siblings of students described in subdivision (1).

(g) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school that is not in a county containing a consolidated city must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing. However, the participating innovation network charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by using a publicly verifiable random selection process.

SECTION 15. IC 20-26-5-40.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 40.6. (a) Subject to subsection (c), the department shall, in collaboration with the state board, conduct a learning loss study regarding students in kindergarten through grade 10 for the 2020-2021 school year and the 2021-2022 school year. The study may include the following:**

**(1) Which specific domains have significant learning loss for students in kindergarten through grade 10.**

**(2) What differences exist in:**

**(A) domain performance;**

**(B) domain growth; or**

**(C) both domain performance and domain growth;**

**for specific subgroups, including students with disabilities and English language learners.**

**(3) What learning gaps are present in foundational skills, specifically literacy and numeracy for early grade levels.**

**(4) What are the overall student learning loss or gaps in education in Indiana due to the disruption in student education caused by the coronavirus disease (COVID-19).**

**(5) Any conclusions or recommendations to address student learning loss or gaps in education, including recommendations regarding remediation.**

**(b) The department shall do the following:**

**(1) Prepare a report regarding the 2020-2021 school year and a report regarding the 2021-2022 school year that includes information regarding the study described in subsection (a), including any conclusions and recommendations as described in subsection (a)(5).**

**(2) Not later than December 1, 2021, submit the report regarding the 2020-2021 school year and not later than December 1, 2022, submit the report regarding the 2021-2022**

school year to the:

- (A) governor;
- (B) state board; and
- (C) legislative council in an electronic format under IC 5-14-6.

(c) The department:

- (1) shall conduct research for the study described in subsection (a) after a review of the research methodology by the Indiana technical advisory committee;
- (2) may include the use of summative and formative data sets in conducting the study under subsection (a); and
- (3) may use a third party vendor in conducting the study under subsection (a).

(d) In addition to the study under subsection (a), the department shall report the benchmark assessment data results from all of the providers in the state three (3) times annually to the:

- (1) governor;
- (2) state board; and
- (3) legislative council in an electronic format under IC 5-14-6.

(e) The assessment data described in subsection (d) must be available as a report for reading and math proficiency and growth to proficiency of the Indiana college and career ready standards in grades 1 through 8 in the aggregate by school and school corporation and made available for view by disaggregation by subgroups. Data results shall include student progress in the aggregate for each of the following:

- (1) Typical or expected growth.
- (2) Growth needed for proficiency.
- (3) Actual student growth to proficiency on the Indiana college and career ready standards using historical and current data including at a minimum baseline data from the last benchmark assessments administered in school before the pandemic.

The first report shall be delivered not later than July 1, 2021. Schools and school corporations shall provide or approve the release of the benchmark data described in this subsection to the department or a third party entity selected by the department to complete the requirements of this section.

(f) This section expires January 1, 2023.

SECTION 16. IC 20-31-1-1, AS AMENDED BY P.L.92-2020, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. This article applies only to the following:

- (1) Except as provided in IC 20-31-4.1-3, public schools.
- (2) Except as provided in IC 20-31-7, ~~and IC 20-31-9~~; state accredited nonpublic schools.

SECTION 17. IC 20-31-2-7, AS AMENDED BY P.L.223-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. "Plan" refers to any of the following:

- (1) A strategic and continuous school improvement and achievement plan established under this article for a school or school corporation.
- (2) A plan to establish an innovation network school to improve school performance under IC 20-25.7.
- (3) ~~A plan to establish a transformation zone under IC 20-31-9.5-9.5.~~
- (4) ~~Any plan approved by the state board for the turnaround of a school or school corporation.~~

SECTION 18. IC 20-31-2-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 9: "Special management team" means an

entity that is assigned by the state board under IC 20-31-9-4(b)(1)(B) to manage a turnaround academy in whole or in part.

SECTION 19. IC 20-31-2-9.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 9-5: "Transformation zone" means a school corporation that has submitted, through its governing body and to the state board, a plan and has been approved to operate under such a plan under IC 20-31-9.5-9.5.

SECTION 20. IC 20-31-2-10 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 10: "Turnaround academy" means a school that is subject to IC 20-31-9.5 and for the purpose of federal funding only; is considered a local educational agency.

SECTION 21. IC 20-31-8-1, AS AMENDED BY P.L.192-2018, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The performance of a school's students on the statewide assessment program test and other **criterion referenced benchmark** assessments recommended by the department of education and approved by the state board are the primary and majority means of assessing a school's improvement. **The state board may, and is encouraged to, incorporate social studies and science as indicators for assessing school improvement.**

(b) The department of education shall examine and make recommendations to the state board concerning:

- (1) performance indicators to be used as a secondary means of determining school progress;
- (2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and
- (3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The department of education shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

(d) The department of education may consider:

- (1) the likelihood that a student may fail a graduation exam (before July 1, 2022) or fail to meet a postsecondary readiness competency established by the state board under IC 20-32-4-1.5(c) and require a graduation waiver under IC 20-32-4-4, IC 20-32-4-4.1, or IC 20-32-4-5; and
- (2) remedial needs of students who are likely to require remedial work while the students attend a postsecondary educational institution or workforce training program;

when making recommendations under this section.

SECTION 22. IC 20-31-8-3, AS AMENDED BY P.L.86-2018, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate **school performance. In addition, the state board may assign each domain, indicator, or measure used to assess school performance a separate and distinct category or designation. performance based on the individual student academic performance and growth to proficiency in each school.**

(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. **An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection.** The state board's definition and criteria may include the placement of a school

that fits the state board's definition in a "null" or "no letter grade" category.

(c) In developing metrics for the categories established under subsection (a), the state board, in consultation with the department, to the extent not inconsistent with federal law, shall consider the severity of tested students' disabilities when using statewide assessment scores as a means of assessing school performance.

(d) In developing metrics for the categories established under subsection (a), the state board shall consider the mobility of high school students who are credit deficient and whether any high school should be rewarded for enrolling credit deficient students or penalized for transferring out credit deficient students.

SECTION 23. IC 20-31-8-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Not later than July 1, 2024, the state board shall do the following:**

**(1) Establish a compilation of longitudinal data indicating school performance success in various selected and enumerated program areas.**

**(2) Present the data described in subdivision (1) for each school in a manner that:**

- (A) can be conveniently and easily accessed from a single web page on the state board's Internet web site; and**
- (B) is commonly known as an Internet dashboard.**

**(b) The dashboard must include the following:**

- (1) Indicators of student performance in elementary school, including schools for grades 6 through 8, and high school.**
- (2) The school's graduation rate, as applicable.**
- (3) The percentage of high school graduates who earned college credit before graduating, as applicable.**
- (4) The pass rate of the statewide assessment program tests (as defined in IC 20-32-2-2.3), as applicable.**
- (5) The growth data of the statewide assessment program tests (as defined in IC 20-32-2-2.3), as applicable.**
- (6) The attendance rate.**
- (7) State, national, and international comparisons for the indicators, if applicable.**

**(c) The dashboard may include any other data indicating school performance success that the state board determines is relevant.**

**(d) Each school shall post on a web page maintained on the school's Internet web site the exact same data and in a similar format as the data presented for the school on the state board's Internet web site. However, the school may include custom indicators on the web page described in this subsection.**

SECTION 24. IC 20-31-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. (Consequences).

SECTION 25. IC 20-31-9.5-0.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 0.5: (a) The state board must approve any contracts necessary to implement IC 20-31-9 and this chapter:**

**(b) The state board may direct the department to assist the state board with the state board's duties under IC 20-31-9 and this chapter, including, but not limited to:**

- (1) providing data to the state board that the state board determines is necessary to execute**

**such duties; and**

- (2) entering into contracts as determined by the state board:**

SECTION 26. IC 20-31-9.5-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 1: (a) None of the following may be considered a school employer under IC 20-29-2-15 with respect to a turnaround academy:**

- (1) The state;**
- (2) The state board;**
- (3) A special management team assigned by the state board under IC 20-31-9-4.**

**(b) A special management team assigned under IC 20-31-9-4 shall make all personnel decisions in the school. In operating a school as a turnaround academy under this chapter, a special management team is not bound by a contract entered into under IC 20-29:**

SECTION 27. IC 20-31-9.5-2 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 2: (a) If the state board assigns a special management team under IC 20-31-9-4 to operate a school as a turnaround academy, for as long as the special management team operates the turnaround academy the following requirements apply:**

**(1) The special management team has the right to use any school building and all facilities and property otherwise part of the school and recognized as part of the facilities or assets of the school before its placement as a turnaround academy, including the building's contents, equipment, and supplies, and is entitled access to such additional facilities as were typically available to the school and its students, faculty, and staff before its placement as a turnaround academy. The special management team shall maintain and repair the buildings and grounds in a manner that is at least consistent with the maintenance and repair of the other buildings and grounds within the school corporation. The special management team shall maintain the building's contents and equipment in a reasonable manner:**

**(2) The special management team shall receive, control, and expend a pro rata share of the property tax revenue distributed to the school corporation under IC 6-1.1-27-1. The amount of property tax revenue shall be calculated by the department of local government finance on the basis of student enrollment for students attending that school who have legal settlement in the taxing unit other than the amount obligated to pay for existing debt service. The school corporation shall remit this amount to the special management team at a frequency determined by the state board in consultation with the department and the school corporation. This subsection does not apply if the school corporation provides services and funding to the special management team pursuant to an operations, maintenance, and repair agreement entered into before July 1, 2015:**

- (3) The special management team shall either:**
  - (A) provide transportation for students attending the turnaround academy; or**
  - (B) contract with the school corporation to provide transportation for students attending the turnaround academy:**

**Transportation must be provided at the same level of service the school corporation provided**

before the school became a turnaround academy:

(b) The school corporation:

(1) may not take action adverse to the special management team's operation of the school; including, but not limited to; taking action to dispose of or cloud the title of the real property on which the school is located or removing or disposing of personal property located in or assigned to the school; and

(2) shall, not later than forty-five (45) days after the state board executes a contract with a special management team under section 7 of this chapter; provide to the special management team all student records and other data in a manner consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the students who attended the school immediately before the school qualified for intervention under IC 20-31-9.

(c) If the special management team contracts with a school corporation for goods or services; the school corporation may not charge the special management team more for the goods or services than the school corporation pays for the goods or services.

(d) If the state board determines that the school corporation has not complied with any provision of subsection (b) or (c); the state board may order the department:

(1) to withhold from the school corporation additional state funds otherwise to be distributed to the school corporation; and

(2) to distribute those funds to the special management team;

in order to permit the special management team to operate the school notwithstanding the school corporation's noncompliance with subsection (b) or (c).

(e) The special management team and the school corporation's board shall hold a joint public meeting at least two (2) times each year to discuss issues and progress concerning the turnaround academy.

SECTION 28. IC 20-31-9.5-3 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 3: (a) Turnaround academies are eligible to receive building and technology loans administered by the state board from the common school fund:

(b) A student who attends a turnaround academy or another school subject to intervention under this chapter remains; under IC 20-43-4-1; an eligible pupil of the school corporation where the student has legal settlement:

(c) The state board; based upon recommendations received from the department; shall determine the amounts of state tuition support and federal funds that are necessary to fund options for improvement implemented by the state board under this chapter with respect to each turnaround academy:

(d) The department shall do the following:

(1) Present recommendations for state tuition support and federal funding amounts to the state board before the start of each fiscal year for each year during the intervention at a schedule determined by the state board:

(2) Withhold from state tuition support and federal funds otherwise to be distributed to the school corporation of the school operated as a turnaround academy under this chapter the amount determined under subsection (c) for the affected students. The amount withheld under this subdivision may not exceed the total per pupil funding for the affected students:

(3) Enter into any contracts necessary to implement the options for improvement implemented for the school by the state board; including contracts with a special management

team assigned under IC 20-31-9-4 to operate the school as a turnaround academy. All contracts are subject to approval by the state board before execution. All contracts must be submitted to the state board for the state board's approval at least sixty (60) days prior to execution:

(4) Make payments under the contracts entered into under subdivision (3) with funds withheld from the school corporation under subdivision (2):

SECTION 29. IC 20-31-9.5-4 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 4: Any student who lives in the attendance area served by a school that is operated as a turnaround academy under this chapter may attend the turnaround academy. The turnaround academy may not refuse enrollment to a student who lives in the attendance area:

SECTION 30. IC 20-31-9.5-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7: (a) If the state board assigns a special management team; the department shall enter into a contract with a special management team. The terms of the contract must specify the following:

(1) A requirement that the special management team and the governing body conduct a public meeting two (2) times each year to provide a report concerning:

(A) student achievement of affected students; and

(B) the condition of the school property and to address issues related to the school property:

(2) The amount of local, state, and federal funding; including tuition support; to be distributed to the school:

(3) A requirement that the student instruction must be provided by teachers licensed under IC 20-28-5:

(4) The performance goals and accountability metrics agreed upon for the school:

(5) Grounds for termination of the contract; including the right of termination if the special management team fails to do any of the following:

(A) Comply with the conditions or procedures established in the contract:

(B) Meet the state's financial management and government accounting requirements:

(C) Comply with applicable laws:

(D) Meet the performance goals and accountability metrics agreed upon under subdivision (4):

(b) The special management team shall have full autonomy to operate the school as provided in the contract described in subsection (a):

(c) The term of the contract may not exceed five (5) years. The contract may be extended after the initial term at the direction of the state board:

(d) Individuals employed by the special management team are entitled to participate in:

(1) the state teachers' retirement fund created by IC 5-10-4;

(2) the public employees' retirement fund created by IC 5-10-3; or

(3) another employee pension or retirement fund:

SECTION 31. IC 20-31-9.5-9.5, AS ADDED BY P.L.223-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.5. (a) The governing body of a school that has been placed in the lowest two (2) categories or designations may submit a plan to the state board to create a transformation zone within the school corporation. A plan may be developed with the assistance of the department. **After June 30, 2021, the state board may not use the establishment of a transformation zone under this section as an intervention in a particular school corporation to improve school performance.**

(b) The state board shall grant the designation as a transformation zone unless the state board concludes that the submitted plan does not substantially meet the criteria set forth in this section. All plans must be submitted to the state board not later than April 15, 2016, or April 15 each year thereafter. All plans must be approved or denied by the state board not later than July 1 of the first year of implementation.

(c) Each plan must include the following information:

(1) An organizational chart that demonstrates that the leader of the transformation zone reports directly to the school corporation's superintendent.

(2) A description of the innovations the school corporation will implement, which may include:

- (A) innovations in school staffing;
- (B) curriculum and nonmandated assessments;
- (C) class scheduling;
- (D) the length of the school day or year;
- (E) the use of financial and other resources;
- (F) teacher recruitment, employment, and compensation; and
- (G) other innovations.

(3) The objective annual student performance and growth or improvement performance gains that the school corporation expects to achieve over the next five (5) years.

(4) A budget demonstrating financial sustainability of the transformation zone. **without the use of special turnaround funding at the end of the fifth year of operation; with lower amounts of special turnaround funding in the fourth and fifth years.**

(5) A description of any regulatory or district policy requirements, subject to the the state board's approval, that would need to be waived for the school corporation to implement the transformation zone.

(d) Subject to subsection (e), a school within the transformation zone ~~that is not operated by a special management team~~ is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the transformation zone to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). Such notice must be provided to the education employment relations board at the time of the notice's posting.

(e) Subsection (d) applies only to a school that has been designated as a transformation zone following the third consecutive year in the lowest performance category or designation.

(f) All plans approved under this chapter shall be sent by the

state board to the education employment relations board not later than fifteen (15) days after the plan's approval.

SECTION 32. IC 20-31-9.5-11 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 11. (a) At the time of the initial intervention or at any point during the intervention, the state board may approve a written request from a special management team to:~~

- ~~(1) expand the grades offered at the school occupied by the special management team; and~~
- ~~(2) operate a charter school managed by the special management team within the same facility;~~

~~if the state board determines that academic outcomes or financial sustainability of the turnaround academy will improve through implementing the request.~~

~~(b) A written request under subsection (a) must include all of the following:~~

- ~~(1) An analysis of any building modifications that would be necessary to serve various ages of students and corporation approval of the modifications;~~
- ~~(2) Plans for ensuring safety of younger aged students when the younger students are in shared space with older students;~~
- ~~(3) Specific year by year academic goals for the original affected students and the additional grade levels of students, disaggregated by grade;~~

~~(c) The state board shall hold a public hearing, located in the facility proposed to be used, before approval of any request made under this section.~~

SECTION 33. IC 20-32-5.1-17, AS AMENDED BY P.L.155-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection (c): (g).

(b) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in kindergarten through grade 2, the assessment must meet one (1) or more of the following:

(1) The assessment shows alignment, verified by a third party, to Indiana's academic standards.

(2) The assessment is a universal screener focusing on literacy that:

(A) meets the screening requirements listed in IC 20-35.5-2-2;

(B) shows alignment, verified by a third party, to Indiana's academic standards for English/language arts domains, specifically foundational reading skills; and

(C) received a convincing or partially convincing rating for accuracy, reliability, and validity by the National Center on Intensive Intervention.

(3) The assessment focuses on numeracy and shows alignment, verified by a third party, to Indiana's academic standards for mathematical domains, specifically:

- (A) number sense;
- (B) computation and algebraic thinking; and
- (C) measurement.

(c) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in grades 3 through 7, the benchmark, formative, interim, or similar assessments assessment must show alignment, verified by a third party, to Indiana's academic standards.

(d) For a benchmark, formative, interim, or similar assessment described in subsection (a) that is administered to students in grades 8 through 10, the assessment must show alignment, verified by a third party, to:

- (1) Indiana's academic standards; or
- (2) the nationally recognized college entrance exam required to be administered under section 7 of this chapter.

(e) The majority of the benchmark, formative, interim, or similar assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness. Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.

(b) (f) A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

(c) (g) If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(d) (h) The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

**(i) Before the state board may approve a benchmark, formative, interim, or similar assessment described in subsection (a), the assessment vendor must enter into a data share agreement with the department in the manner prescribed by the department.**

SECTION 34. IC 20-35.5-2-3, AS ADDED BY P.L.95-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Subject to section 8 of this chapter, if a student is determined to be at risk, or at some risk, for dyslexia after a screening under section 1 of this chapter, the school corporation or charter school shall administer a level I dyslexia screening of the student **within ninety (90) days of date the student's school year commences.**

SECTION 35. IC 20-51-4-9 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 9: (a) Except as provided in subsection (b);

the department shall enforce the following consequences for an eligible school that is nonpublic:

(1) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for two (2) consecutive years; the department shall suspend choice scholarship payments for one (1) year for new students who would otherwise use a choice scholarship to attend the school.

(2) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for three (3) consecutive years; the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation; for two (2) consecutive years.

(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years; the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation; for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1); (2); or (3); and

(B) qualify for a choice scholarship for the upcoming school year;

may continue to receive a choice scholarship at the school.

(b) An eligible school may submit a request to the state board to waive or delay consequences imposed under subsection (a) for a particular school year. The state board may grant a request to an eligible school that requests a waiver or delay under this subsection if the eligible school demonstrates that a majority of students in the eligible school demonstrated academic improvement during the preceding school year. A waiver or delay granted to an eligible school under this subsection is for one (1) school year only. An eligible school must make an additional request under this subsection to the state board to receive further delay or waiver of consequences imposed under subsection (a).

(c) This section may not be construed to prevent a student enrolled in a school subject to this section from applying for a choice scholarship in the future at another eligible school.

SECTION 36. P.L.2-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020 (RETROACTIVE)]: SECTION 1. (a) The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2018-2019 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2018-2019 school year may not be lower than the school's or school corporation's category or designation of school or school corporation performance for the 2017-2018 school year.

(c) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, a school's or school corporation's category or designation of school or school corporation performance assigned by the state board under IC 20-31-8-4 for the 2019-2020 school year shall be calculated in the manner provided in 511 IAC 6.2-10, with

the exception that a school's or school corporation's category or designation of school or school corporation performance for the 2019-2020 school year is the higher of a school's or school corporation's category or designation of school or school corporation performance:

- (1) determined under subsection (b); or
- (2) for the 2019-2020 school year as determined under IC 20-31-8.

(d) Notwithstanding IC 20-31-8 and 511 IAC 6.2-10, the state board shall assign to a school or school corporation a "null" or "no letter grade" for the 2020-2021 school year. However, the most recent results of the school's ILEARN assessment must be included on the school's Internet web site.

(e) Notwithstanding IC 20-31-8 and 511 IAC 6.3-1, the state board shall assign an adult high school a "null" or "no letter grade" category for the 2020-2021 school year.

(f) This subsection expires July 1, 2021. Notwithstanding IC 20-31-9, and except as otherwise provided in this subsection, a school's category or designation of school performance assigned by the state board under subsection (b) or (c) may not be used in the determination of consequences under IC 20-31-9. The school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-31-9 for a school that has been placed in the lowest category or designation of school performance under subsections (b) and (c). However, a school may petition the state board, and the state board shall grant the school's petition to use the grade assigned to the school under subsection (b) or (c) for purposes of applying IC 20-31-9.

(g) Notwithstanding IC 20-51-4-9, and except as otherwise provided in this subsection, an eligible school's (as defined in IC 20-51-1-4.7) category or designation of school performance under subsection (b) or (c) may not be used in the determination of consequences under IC 20-51-4-9 if the eligible school is placed in either of the two (2) lowest categories or designations of school performance under subsection (b) or (c). The eligible school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying consequences under IC 20-51-4-9 for an eligible school that has been placed in the two (2) lowest categories or designations of school performance under subsections (b) and (c). However, an eligible school may petition the state board, and the state board shall grant the eligible school's petition to use the eligible school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-51-4-9.

(h) Notwithstanding IC 20-24-2.2-2, a charter school's category or designation of school performance for the 2020-2021 school year shall be considered the category or designation for the school year immediately following the 2017-2018 school year for purposes of applying IC 20-24-2.2-2(a) for a charter school that has been placed in the lowest category or designation of school performance under subsection (b) or (c). However, a charter school may petition the state board, and the state board shall grant the charter school's petition to use the charter school's category or designation of school performance assigned under subsection (b) or (c) for purposes of applying IC 20-24-2.2-2(a).

(i) This SECTION expires January 1, ~~2023~~ 2024.

SECTION 37. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) Subject to subsection (c), consequences to which a school is subject on June 30, 2021, under IC 20-31-9, before its repeal by this act on July 1, 2021, are null and void after June 30, 2021.

(c) A school subject to consequences under IC 20-31-9, before its repeal by this act on July 1, 2021, may petition the state board, in a manner prescribed by the state board, to continue assistance required or authorized by the state board under IC 20-31-9, before its repeal by this act, as if IC 20-31-9 were not repealed by this act.

(d) This SECTION expires July 1, 2026.

SECTION 38. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate study committee for the 2022 interim and the 2023 interim the task of studying the information in the reports submitted by the department of education under IC 20-26-5-40.6(b), as added by this act.

(b) This SECTION expires January 1, 2024.

SECTION 39. An emergency is declared for this act.

(Reference is to EHB 1514 as reprinted April 7, 2021.)

COOK	RAATZ
V. SMITH	ROGERS
House Conferees	Senate Conferees

Roll Call 475: yeas 90, nays 0. Report adopted.

#### CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 245:	Conferees:	Representative Carbaugh replacing Representative Moed
----------	------------	---

#### MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 19, 2021, I signed into law House Enrolled Acts 1004, 1025 and 1256.

ERIC HOLCOMB  
Governor

#### MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 20, 2021, I signed into law House Enrolled Acts 1199, 1309, 1437 and 1449.

ERIC HOLCOMB  
Governor

#### OTHER BUSINESS ON THE SPEAKER'S TABLE

##### HOUSE MOTION

Mr. Speaker: I move that Representatives Borders, Nisly and V. Smith be added as coauthors of House Concurrent Resolution 47.

JACOB

Motion prevailed.

On the motion of Representative GiaQuinta, the House adjourned at 4:43 p.m., this twentieth day of April, 2021, until Wednesday, April 21, 2021, at 9:00 a.m.

TODD M. HUSTON  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives